

‘Crime and Utopia: Socialist and Anarchist
Projections in Britain, 1870-1914’

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I, Jonathan Baldwin, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

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Abstract

This thesis examines the meeting between the conceptualisations of crime and the varied formations of utopian projections in late nineteenth- and early twentieth-century socialist discourse in Britain. Beginning with a survey of the epochal explosion of literary socialist utopias and their dystopian counterpart, I scrutinise how ideas on anti-sociality, deviance, and immorality interacted with imaginations of fundamental social reorganisation. These imaginary places allowed for profoundly different approaches to the matter of crime and its prevention, and the measures found therein could edge past the bounds of possibility in the author's time, beyond both the practical and ethical. Such radical approaches to crime would be satirised and criticised in the anti-socialist dystopia, which are also analysed. I then contend with the thought of four figures occupying prominent positions in the British socialist scene, each of whom directed considerable attention to criminological enquiry. H. G. Wells, Havelock Ellis, Peter Kropotkin, and Edward Carpenter addressed the matters of the criminalisation of the poor, moral degeneracy, and repressive Victorian mores in their distinct critiques of the sociopolitical order. In their thought, as in the literary utopias/dystopias, I bring to light how the treatment of crime in socialist imaginations of reorganised society was fraught with paradoxical problematics. On the one hand, though projections of the socialist state could promise to eradicate the roots of crime by providing equality, justice, and well-being for all, the extent to which 'benevolent' force could be directed against those who continued to threaten society complicates such images. On the other, diminishing the state along anarchist lines might result in the ascent of ungoverned social harmony, but this is unsettled by the conception of individuals portraying anti-social physiological tendencies who would need to be prevented from harming the community. This thesis critically examines how such projections of socialist reorganisation contended with and articulated such uncertainties, as I uncover the relationship between these crime-free utopias and their unstable foundations.

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Introduction

There is a history of the professional discipline of criminology [...] but there is a need for a complex history of ‘thinking about crime’. That would include the debates around the rise of the positivist school [...] that would include the debates about social biology at the end of the nineteenth century, that would include interventions by Fabians, and H. G. Wells, and George Bernard Shaw, as well as other fields over time. If you look at it in this way, rather than in a disciplinary sense, then you conclude that there is a long history and debate about crime questions.¹

Anonymous interview, quoted in Reece Walters, *Deviant Knowledge: Criminology, Politics and Policy* (2003)

The site where criminological discourse intersects with socialist and anarchist thought in late nineteenth- and early twentieth-century Britain is suffused with complexity. Therein, the social issues of crime, criminality, punishment and prevention intermingled with wider political motives, Enlightenment conceptions of freedom and reason sat uncomfortably alongside contemporary notions of rehabilitative incarceration and criminal insanity, and inconsistencies within individual approaches all make such a history of ‘thinking about crime’ as propounded by the criminologist speaking to Walters appear incoherent. Although profound critique of the sociopolitical contours of the Victorian age spawned visions of vastly improved societies, such futures were often undermined by calls for practical reform, crime-free utopias were corrupted by the means with which they were built, and the organisation of communities could be gravely complicated by the organisation of the human body. This thesis examines such an unstable domain of criminological discussion in Britain between 1870 and 1914, specifically focusing on the contributions of four figures with socialist and anarchist politics, exploring how they read and inflected theory from across the sciences to form perspectives on crime, criminality, the management of offenders, and the object of judicial law. Not only did these authors make a number of observations over their careers on the problem of the British criminal, they also penned or contributed to a seminal text that addressed this figure. Such texts are subjected to a

¹ Anonymous interview, quoted in Reece Walters, *Deviant Knowledge: Criminology, Politics and Policy* (Cullompton, Devon: Willan Publishing, 2003), pp. 50-51.

critical reading in the respective chapters.

Consulting historical and contemporary approaches, both foreign and domestic, these four figures occupied a terrain dominated by the paradigm of biological and social evolution, themes of which permeated the countless texts of fiction in which the progress of humankind was questioned. Amongst these texts, such sociobiological themes were frequently embodied in the fictional reflections of present-day society wherein the ills of the human condition were articulated by writers such as Émile Zola (1840-1902) and Fyodor Dostoevsky (1821-1881). But they also featured heavily in projections of the non-present, in the utopias of fin-de-siècle Britain. Therein the failings of society, often presented as the cause or result of socially or physiologically debased populations, were vanquished in the ‘good’ and ‘just’ utopian ones, the organisation of which was fundamentally different from their real-life counterparts. Within the utopian genre itself there existed considerable interaction with socialist and anarchist theory, presented in the main as either the ideological foundations of the ideal organisation of populations or as that which leads to a deplorable, dystopian future. Alternative approaches to crime and anti-social behaviour are frequently proposed in these utopias, the criminal often assumes a different character, and the measures taken in the treatment of whom are untenable to the author’s society. This literary perspective of criminological discussion is herein situated alongside that of the four authors, and they are both treated as contributing towards a shared discourse.

This thesis begins with a survey of the criminological discussion found within the anarchist and socialist literary utopias and their ideologically-opposing dystopias, itself starting with a brief history of the genre as a whole (specifically in relation to its presentation of crime and the criminal) before attending to the utopias penned during the covered period. There then follows my analysis of the criminological thought of our socialist and anarchist protagonists in the following order: H. G. Wells (1866-1946), Havelock Ellis (1859-1939), émigré Peter Kropotkin (1842-1921), and Edward Carpenter (1844-1929). Though considerable focus is placed on what I consider to be each figure’s key ‘criminological’ texts, such works are placed amongst the author’s broader literary output, and ideas are contextualised by being located within both the passage of their thought over time and the specific cultural settings in which they appear. As they approached criminological topics these figures did not make excursions into separate disciplinary domains, but considered such questions on territories with which they were familiar, their wider sociopolitical and philosophical

perspectives interacting with their thoughts on crime.

In each of the five chapters it will be seen that conceptions of the human individual, one's relationship with others, and human society played host to both classical and positivist interpretations of crime: the first depicting crime as a product of rational thought, the second finding it to be determined by physical, psychological, and environmental forces. Traditional notions of morality and free will can be found to unsettle psychosocial and biological conceptions of instinct and hereditary predetermination. And the problem of criminal behaviour could on the one hand inspire proposals of immediate, pragmatic intervention whilst on the other provoke rather fanciful speculations of crime-free societies. Such a history of 'thinking about crime' is indeed complex, and can appear incoherent when one considers the discontinuity and dissonance in an individual's thought. Each of the four figures in this thesis certainly did not present a harmonious theory of criminology. Their own conflicting and seemingly incompatible ideas, statements, and approaches to the question of crime and criminality will not, however, be shown to undermine their methods and means of understanding. Though I emphasise where there is consistency in each author's thought – necessary to my depiction of how they participated in and contributed to specific discourses on crime – the inconsistencies therein are equally important. I intend to illuminate the instances of and ways in which seemingly compatible and incompatible structures of knowledge collided, where ideas coalesced or conflicted with others as the author thought about crime. Theirs was a site of discursive heterogeneity, where sociopolitical, scientific, and philosophical theory could repel, appropriate, and inflect specific languages of crime. I do not attempt to define a homogenous structure of concepts and epistemologies within the field of late nineteenth- and early twentieth-century British criminology, but to observe, as Michel Foucault would say, 'the interplay of their appearances and dispersion'.²

A Foucauldian methodology is thus assumed, but without seeking to attribute such language to particular forms of power and control, to a specific conception of authority. If any such attributive endeavour is made, it is in trying to explain why, in the criminology of the socialist and anarchist thought I encounter, a site of incongruity was inevitable. Those occupying this political arena were fighting on a number of

² Michel Foucault, *The Archaeology of Knowledge*, trans. by Alan Sheridan (London and New York: Routledge, 2002), pp. 38-39.

different, sometimes oppositional, frontiers: their contributions to the scientific theories of the criminal, recidivism, and degeneration were inflected with their humanitarian ideals of a just and equitable society, whilst practical proposals for social reform were complicated and often undermined by the sciences of heredity and evolution. Furthermore, as the utopian impulse of those calling for the fundamental reconstruction of the sociopolitical system required the confrontation with crime, anti-social behaviour, or deviancy, the proposed futures often involved rather anti-utopian or dystopian conditions: the increased powers of a socialist state suggested tougher laws on citizens; the reduction or removal of the state meant the same for state law and its enforcement; and the triumph of science saw ethical codes decay and logical ones thrive. As such, the treatment of crime in the socialist and anarchist projections was always fraught with problematics: the socialist state interfered with individual rights; anarchism was synonymous with lawlessness and terror; and the rule of science was inhumane. A critical discourse on the questions of crime, the criminal and law from such perspectives was naturally paradoxical and controversial.

It is asserted, then, that the criminological theory explored in this thesis needs to be read by taking into account the varied ontological, epistemological, and methodological perspectives through which the subject was observed, and I will respond to the questions raised by such an approach. How did the disciplinary expertise and political belief of the authors figure in their construction and presentation of such theory? How was this articulated in their texts, and in what ways were biological traits, normative standards, and human rights ascribed to the individual? Who was responsible for helping, reforming, or removing the criminal and how was this to be enforced? And how exactly was the criminal observed as both a biopolitical body and a human individual? In light of the approach expressed by Walters' anonymous criminologist, the thought of Wells, Ellis, Kropotkin, and Carpenter, as well as that excavated in the survey of socialist utopian and dystopian literature, though largely absent from the historical narratives of professional criminology, will be shown to form a complex history of 'thinking about crime'.

Criminological Thought

It is a rather daunting task to survey the many discourses of crime, anti-social behaviour, and deviancy in fin-de-siècle Britain, one that is made all the more troubling when taking into account the numerous narratives that historical theory and scholarship have constructed on such a subject. Without even addressing the conflicting and often capricious perspectives of the period's contemporaries, one is faced with this much-contested ground of historical analysis. The resistances of 'classical' conceptions of crime against those of positivism; the unstable processes of the 'humanitarian' approach to penology; the struggles between disciplines for jurisdiction over the criminal; the inconsistent movements between scientific theory and judicial practice; the conflict found within all of these sites are expectedly mirrored by their inharmonious historical analyses. This study aims, to some extent, to temper such discord by treating the inconsistencies within the criminological discourse of the period as an inevitable product of the diametrical positioning of the criminal, a figure who occupied oppositional domains, whose very construction was, for want of a more suitable term, schizophrenic.

Shifting paradigms and unstable discourses have been emphasised in the histories of late nineteenth- and early twentieth-century British criminological theory. A focus on the changing 'architects' of criminological reform, who established that the identification and punishment of the criminal was a matter for the human sciences and dictated by medico-psychiatric expertise, has been reiterated since Foucault by, for instance, David Garland and Martin J. Wiener.³ These perspectives, in the main, have proposed the epistemic reign of positivist criminology, fundamentally affecting the reform of the criminal justice system and rather coherently transferring from theoretical enquiry to practical reinforcement. Although such a narrative has been made more sophisticated by those such as Wiener in his asserting that biological criminology was not the counterpart to perceptions of the environment as an agent of force in crime, uniting both approaches as the pursuit of criminal causality, there nevertheless remains the view that a dominant paradigm of sociobiological determinism saturated the juridico-penological complex.

³ David Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot: Gower, 1985); Martin J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990).

Those who have challenged such a history include William Forsythe and Victor Bailey, both of whom emphasise the resistances within the British legal and penal establishment to such change.⁴ It must be said that Wiener has recently taken a similar perspective, and by observing the legal commentaries used and contributed to by the British judiciary he considers how the languages of *both* positivist and classical criminological theory were inflected in criminal proceedings.⁵ Neil Davie has followed Forsythe and Bailey's lead, and has examined the relationship between these epistemologies of crime, reiterating its complexity, and scrutinising the theory-to-practice transposition, not to mention surveying the reception of criminological theory in Britain in this period.⁶ Although Davie remarks that Bailey may have exaggerated the resistance to 'scientific' criminology by emphasising the failure of law reforms which were inspired by the positivist approach, it is nevertheless important to consider where Bailey situates such obstruction, and what he considers occurred there:

[H]umanitarians began to use more deterministic language and to propose more 'scientific' remedies. Yet humanitarians also modified and limited the effect of positivist theory by their emphasis on the suffering and dignity of individual prisoners.⁷

The focus on how language was used and theory modified will be adopted in this thesis as I explore how our socialist and anarchist protagonists participated in the complex domain of criminology as it experienced considerable instability whilst distinct methodologies and epistemologies collided with, resisted against, and appropriated one another. Such a history of 'thinking about crime' is expectedly more intricate, multifarious, and complicated as we find positions and approaches caught between, for instance, romantic ideals and scientific fact, sympathy for the individual and

⁴ William Forsythe, *The Reform of Prisoners, 1830-1900* (London: Croom Helm, 1987); idem, 'The Garland Thesis and the Origins of Modern English Prison Discipline: 1835 to 1939', *The Howard Journal of Criminal Justice*, 34, 3 (1995), 259-73; Victor Bailey, 'English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922', *The Journal of British Studies*, 36, 3 (1997), 285-324. See also Alyson Brown, *English Society and the Prison: Time, Culture, and Politics in the Development of the Modern Prison, 1850-1920* (Woodbridge: Boydell, 2003).

⁵ Martin J. Wiener, 'Murderers and 'Reasonable Men': The 'Criminology' of the Victorian Judiciary' in *Criminals and Their Scientists: The History of Criminology in International Perspective*, ed. by Peter Becker and Richard F. Wetzell (Cambridge & New York: Cambridge University Press, 2006), pp. 43-60.

⁶ Neil Davie, *Tracing the Criminal. The Rise of Scientific Criminology in Britain, 1860-1918* (Oxford: Bardwell Press, 2005); idem, 'The Impact of Criminal Anthropology in Britain (1880-1918)', *Criminocorpus, Revue Hypermédia* (4 November 2010). Accessed online at <<http://criminocorpus.revues.org/319>> on 12 January 2013.

⁷ Bailey, 'English Prisons', p. 309.

sociopolitical agenda. One would need to consider, for instance, how Kropotkin could articulate a political appeal to the power of human morality when he describes the individual as biologically predisposed to criminality.

Crime and Utopia

The discussion of crime in the literary utopia is found in the genre's very inception. In his account of the just, albeit unlocatable, land of *Utopia* (1516),⁸ Thomas More (1478-1535) presented an early sociological reading of crime, which included both the correlation between theft and the landed class's ruinous exploitation and plunder of the poor and the criticism of capital punishment as a means of deterrence. Another early example is *Civitas Solis* ('The City of the Sun'), written by Tommaso Campanella (1568-1639) in 1602 as he resided in his prison cell in Naples, which contained a rather extensive consideration of the matter of crime and punishment. Therein is found the notion that offences are to be seen as transgressions from a social contract, and that punishment is the collective's right to reaffirm itself and its moral fabric against those that threaten its dissolution, precursory to the sociological approach such as that of Émile Durkheim (1858-1917) found in his 1893 *The Division of Labor in Society*.⁹ More and Campanella show us that crime and utopia have a long history.

When *Utopia*'s Raphael Hythloday denounces the attitude towards crime found in England, insisting that a society must not punish those it creates, More's critique of what he sees as the faulted social customs and practices of his day is explicit. Yet social critique is latent in utopian thought itself. The utopian mentality, Karl Mannheim attests, is that which simultaneously transcends reality and shatters the prevailing order.¹⁰ Utopian thinking challenges the superiority or naturalness of the present,

⁸ More's 'utopia' derived from the Greek οὐ (ou) meaning 'not' and τόπος (topos) meaning 'place', a translation that was played on with that of 'eutopia', whereby εὖ ('eu') means 'good'.

⁹ For a discussion of More's and Campanella's approaches to crime in their respective literary utopias, including a comparison with that found in strands of libertarian and anarchist thought, see Vincenzo Ruggiero, 'Crime and Punishment in Classical and Libertarian Utopias', *The Howard Journal of Criminal Justice*, 52, 4 (2013), pp. 414-32. For Durkheim's approach to punishment, see David Garland, 'Sociological Perspectives on Punishment', *Crime and Justice*, 14 (1991), 115-65 (pp. 121-127).

¹⁰ Karl Mannheim, *Ideology and Utopia: An Introduction to the Sociology of Knowledge* (New York, NY: Harcourt, Brace & Co., 1954) p. 173.

anticipating¹¹ or desiring¹² that which is fundamentally different to the social conditions from which it is projected. Such hopeful speculations implicitly challenge the ills and injustices that are responsible for encouraging one to think about a better existence, and projections of improved ways of living necessarily construct a more harmonious society than the present one. A better existence must presume a better social existence; there is no utopian city without a utopian population, and the fantasy of a better life in solitude does not constitute utopian thought.¹³ An increased sociability is thus intrinsic to utopia, and the conduct between individuals is inevitably improved. Utopia is not simply a space reorganised, but moralised.¹⁴ The hopes and desires for societies where individuals behave better towards one another are moored in the assumed reality of substandard or anti-social behaviour in the present.

Whether they are explicitly contrasted, as in More's *Utopia*, or not, the anti-social conditions of one's reality are righted in the projections of moralised societies. The imagined lands of individuals living and working in harmonious cohesion outline or encourage the speculation of *how* moralisation could be brought about. In *Utopia*, such moralisation was shown to be possible in more equitable social conditions and with the emphasis of moral education through schooling and social interaction. In the literary descendants of *Utopia* one finds similar depictions of the means to enhance the sociability of populations. A fundamental difference, however, that separates the late Victorian utopias from their predecessors in the matters of moralisation proceeds from the nineteenth century medicalisation of morality. The 'born criminal', for instance, would be a threatening figure even in the moralised space of utopia, and the methods of dealing with those who deviated from the moral norms would follow the curative ideal of 'rehabilitation' rather than the disciplinary technology of punishment. The language and ideas that formed the developing criminological and psychiatric

¹¹ Ernst Bloch's Marxist utopian hermeneutics as a critical 'anticipatory consciousness' underlies his *The Principle of Hope*. He explores this idea directly in Part 2 of Volume 1. Bloch, *The Principle of Hope*, 1, trans. by Neville Plaice, Stephen Plaice and Paul Knight (Cambridge, MA: MIT Press, 1995), pp. 43-336. First published in 1954.

¹² For Ruth Levitas, 'utopia is the expression of the desire for a better way of being or of living'. Ruth Levitas, *The Concept of Utopia* (Syracuse, NY: Syracuse University Press, 1990), p. 8.

¹³ Gillian Beer's has recently explored solitude and utopia through a reading of Daniel Defoe's *Robinson Crusoe* and Admiral Richard Byrd's *Alone*. See Gillian Beer, "'Our Natural Loneliness': Solitude and Utopia' in *The Good Place: Comparative Perspectives on Utopia*, ed. by Florian Mussgnug and Matthew Reza (Oxford: Peter Lang, 2014), pp. 17-31. Though Beer is right to suggest that projections of solitude may stimulate the impulse of freedom (p. 31), the idea of seclusion pertaining to the concept of utopia is rather difficult to take on.

¹⁴ Gregory Claeys, 'News from Somewhere: Enhanced Sociability and the Composite Definition of Utopia and Dystopia', *History*, 98, 330 (2013), 145-73 (pp. 150-151).

discourses of the period penetrated utopian projections, forming the means by which such imagined societies – and the individuals residing therein – were to be moralised.

Socialism and Crime

The conceptual and methodological frameworks of modern criminological thought, though formalised into a sociobiological science in the final third of the nineteenth century, can be seen to have emerged in the mid eighteenth century.¹⁵ The intellectual forces of the Enlightenment were at that time assembling the philosophy of humanism whereby man was a knowing, reasoning subject of great potential and at the same time a knowable, malleable object, occurring in the physical world, living as a biological being, and acting according to sociopolitical convention. Ideas concerning man's progress, liberty, and citizenship were being shaped by etiological investigations into the natural laws found within the conditions of his existence. The matter of sociopolitical order – and, therefore, disorder – became a scientific enquiry into the causal factors that shaped human activity.

French political philosopher Charles Montesquieu (1689-1755) in his influential *The Spirit of Laws* (1748) proposed that man and his actions were governed through the tension of natural laws and free will.¹⁶ In his treatise one finds the contention that levels of crime were proportionate to the climate and that crime prevention would follow good legislation.¹⁷ And Jean-Jacques Rousseau (1712-1778) would similarly state in *The Social Contract* (1762) that with a well-organised and well-governed society criminality would be reduced.¹⁸ Theorising within the same theoretical framework, Italian philosopher of law Cesare Beccaria (1738-1794) would compose the first treatise devoted to observing criminal behaviour as a natural

¹⁵ For an account of the criminological approaches of three Enlightenment thinkers, and their subtle connections with the later science of criminology, see Philip Jenkins, 'Varieties of Enlightenment Criminology: Beccaria, Godwin, de Sade', *British Journal of Criminology*, 24, 2 (1984), 112-30.

¹⁶ For analysis of Montesquieu's dialectical exploration of the tension between free will and determinism in *The Spirit of the Laws*, see Ana J. Samuel, 'The Design of Montesquieu's *The Spirit of the Laws*: The Triumph of Freedom over Determinism', *American Political Science Review*, 103, 2 (2009), 305-321.

¹⁷ Charles Montesquieu, *The Spirit of Laws*, trans. by Thomas Nugent (New York, NY: The Colonial Press, 1899), pp. 224, 81. First published in 1748.

¹⁸ Jean-Jacques Rousseau, 'The Social Contract' in *The Social Contract and Discourses by Jean-Jacques Rousseau*, trans. with an intro. by G. D. H. Cole (London: J. M. Dent and Sons, 1923), pp. 1-123 (p. 31). First published in 1762.

phenomenon that was largely determined by social influences and not original sin: the epistemological tenet of what came to be known as the ‘classical’ school of criminology. *Of Crimes and Punishment* (1764) would posit what has been called Beccaria’s ‘judicial idealism’,¹⁹ wherein it was held that by reforming the system of criminal law, such as by introducing preventative punishment that is proportionate to the crime, society would see crime rates fall.²⁰

But to some, preventing crime was not as simple as reforming the current institutions of power, for the very foundational social structures on which they were built would always encourage its occurrence, and what was needed was fundamental reorganisation. William Godwin (1756-1836), in his 1793 *Enquiry Concerning Political Justice*, posited the ideal of the natural society that would emerge with the end of government and property. Therein Godwin saw that property – protected by laws created by the propertied classes as an extension of their power – would result in crime through the destitution that such an inequitable system would guarantee. In a phrase that Kropotkin would echo a century later in his *In Russian and French Prisons* (1887), Godwin asserted that social conditions gave birth to assassins, who were ‘propelled to act by necessary causes and irresistible motives [...]. The assassin cannot help the murder he commits any more than the dagger’.²¹ His was precursory to the environmental determinism seen in much of the anarchist and socialist discourse on crime that will be encountered throughout this thesis. But Godwin’s approach was unsettled by a certain tension. On the one hand he apportioned social conditions with much of the blame for crime, and desired to guarantee liberty and well-being for all individuals. On the other lay his profound belief in the necessity to safeguard society from the criminal if such a figure emerged to threaten it. Social conditions were not solely responsible for crime, and anti-social behaviour must surely, Godwin thought, be influenced by one’s own ‘propensities and dispositions’.²² As a dangerous individual the offender would have to be restrained, both for the protection of society and in the hope that he will be reformed. Aware of this oscillatory antagonism between

¹⁹ Marc Renneville, ‘The French Revolution and the Origins of French Criminology’, in *Criminals and Their Scientists*, pp. 24-42 (29-30).

²⁰ For Beccaria’s criminological thought and its placement in the history of ideas see Piers Beirne, *Inventing Criminology: Essays on the Rise of ‘Homo Criminalis’* (Albany, NY: State University of New York Press, 1993), pp. 11-64.

²¹ William Godwin, *Enquiry concerning Political Justice and its Influence on Morals and Happiness*, 2 (London: G. G. J. and J. Robinson, 1793), p. 690.

²² *Ibid.*, p. 752.

his desire for humankind's freedom and his fear of social dissolution, Godwin posited that criminological thought must consider the balance between 'how the personal liberty of the offender may be least intrenched upon, and how his reformation may be best promoted'.²³ This very tension and the malleable conceptions of criminal 'propensity' and 'disposition' are found to complicate anarchist and socialist criminological thought at the end of the following century, and will be explored in this thesis.

Throughout the work of Robert Owen (1771-1858), one of the earliest and most influential of socialist thinkers in Britain, one finds the insistence that poverty and inequality breeds crime. Right at the beginning of *A New View of Society* (1816) he would argue that the social conditions in which the poor live 'must train them to the extreme of vice and misery, and of course render them the worst and most dangerous subjects'.²⁴ In the second essay he would develop such an idea, contending that if the conditions of the criminal's childhood and those of the judge who tries him were exchanged, the former figure would be trying the latter.²⁵ As in Godwin, Owen's answer to crime lay not in reforming the penal system and tenets of criminal law, but in reorganising the fundamental structures on which society rested. Cultivated in the mid 1830s, Owen's final proposals, which composed a utopian vision of a communitarian society that utilised and advanced the enormous potential of manual and scientific power and was divided only by the natural distinctions of age, would continue to stress the moralising effects of education and agreeable labour in social environments free from want and disease. Indeed, it is arguable that his determinism hardened as his final projections matured:

[M]an is, altogether, a being whose organization, feelings, thoughts, will and actions are predetermined for him by the influence of external circumstances acting upon his original constitution, and that he is,

²³ Ibid.

²⁴ Robert Owen, *A New View of Society; Or, Essays on the Principle of the Formation of the Human Character, and the Application of the Principle to Practice* (London: Richard Taylor and Co., 1813), p. 5.

²⁵ Ibid., p. 32.

therefore, irresponsible for the character formed for him, whatever it may be.²⁶

Moral responsibility, which would become a highly contentious legal concept in the second half of the nineteenth century, was complicated by Owen's insistence that the individual – his body, mind, and behaviour – was determined by external conditions for which he could not answer. Not only did he discuss how the environment affected one's character and behaviour, but also the extent to which one's heredity traits were a determining influence. Ultimately, Owen would place social influences rather than biological ones as the deciding factor.²⁷ In so doing, he approached the idea of removing or diminishing the individual's 'bad' qualities through compassionate social assistance in a remarkably similar discursive tone as that of the late nineteenth-century advocates of corrective rehabilitation in 'curing' one's criminal traits, which as will be seen was a complicated ground to tread by those with socialist and anarchist ideals.

A new turn in the history of socialism and crime is found in the middle of the nineteenth century. The discussion of crime by Godwin, Owen, and others followed in the footsteps – though on a radical political track – of those aforementioned figureheads of the Enlightenment who observed man and his actions in a world of general laws. Karl Marx (1818-1883) and Friedrich Engels (1820-1895), however, as they considered the socioeconomic relations of society under the system of capitalism, would come to emphasise the idea of crime not as an abstract phenomenon that emerges from the mismanagement of social forces, but as a historically contingent legal construct that criminalised those actions deemed antagonistic to the ruling class's ideology. In this sense, nineteenth-century 'crime' is the judicial pseudonym for working class resistance and reaction to the capitalist extension of expropriation. The inter- and intra-class relations forged by the socioeconomic forces of the day resulted

²⁶ Robert Owen, *The Book of the New Moral World, Containing the Rational System of Society, Founded on Demonstrable Facts, Developing the Constitution and Laws of Human Nature and of Society* (London: Effingham Wilson, 1836), p. 20. This would be the first of seven parts, published between 1836 and 1844. For the development of Owen's sociopolitical thought, and its place in the history of British socialist thought, see Gregory Claeys, *Citizens and Saints: Politics and Anti-Politics in Early British Socialism* (Cambridge: Cambridge University Press, 1989), pp. 63-105.

²⁷ Owen, *The Book of the New Moral World*, pp. 70-84.

in ‘criminal’ behaviour; such actions were intrinsic of capitalism.²⁸ Engels’ observations in the 1840s on the working class and their living conditions in Manchester included considerable critical analysis of crime. Theft, prostitution, sexual assault, and violence were all expressions of the socioeconomic relations that the brutalising and combative system of capitalism in Victorian England had created. The seminal point of Engels’ argument, John Lea states, ‘is that crime is not a result of the breakdown of social relations, it is rather one of the necessary forms they take in the circumstances of the time’.²⁹

In the same way that they presented their ‘scientific’ socialism against the ‘utopian’ socialism of the likes of Owen and Wilhelm Weitling (1808-1871), Engels and Marx insisted that ‘crime’ had to be understood as occurring within and relative to specific historical conditions, and was a ‘normal’ expression of wider, dynamic socioeconomic forces.³⁰ Such an understanding of crime will be shown to figure in the thoughts of the socialist and anarchist protagonists of this thesis. In Carpenter’s accounts of crime and criminality he would emphasise the historically relative nature of such phenomena: ‘The Accepted of one age is the Criminal of the next. [...] When the ideal of Society is material gain or possession, as it is largely to-day, the object of its special condemnation is the thief’.³¹ And in Ellis’ criminological enquiries he considers criminal actions alongside non-criminal, expressing the idea that to understand crime one must consider the social relations between individuals in general:

We to-day regard it as a great crime to kill our own fathers or children;

²⁸ Such are the basic tenets that underlie the Marxist criminological schools of thought, seen in ‘conflict criminology’ and the radical ‘new criminology’ that emerged in the 1970s. Though Marx did not write as much as Engels on the subject of crime, his analysis in 1842 of laws passed by the Provincial Assembly of the Rhine that criminalised the gathering of fallen wood fashioned the lens through which Engels and other such advocates saw crime. Indeed, it was his 1842 reflections on the forest thefts that compelled Marx to begin his study of political economy. See Peter Limbaugh, ‘Karl Marx, the Theft of Wood, and Working Class Composition: A Contribution to the Current Debate’, *Crime and Social Justice*, 6 (1976), 5-16 (p. 6).

²⁹ John Lea, ‘Karl Marx (1818-83) (and Frederick Engels (1820-95))’ in *Fifty Key Thinkers in Criminology* ed. by Keith Hayward, Jayne Mooney, and Shadd Maruna (London: Routledge, 2010), pp. 18-24 (p. 23). A more detailed historical analysis of Engels’ criminological approach is found in Lea, ‘Poverty, Crime and Politics: Frederick Engels and the Crime Question’ in *The Condition of Britain: Essays on Frederick Engels*, ed. by Lea and Geoffrey Pilling (London: Pluto Press, 1996), pp. 84-109.

³⁰ For an exploration of the utopian aspects of Marxism see Vincent Geoghegan, *Utopianism and Marxism* (Bern, Switzerland: Peter Lang, 2008). See specifically pp. 39-54 for Marx and Engels’ views on utopian socialism.

³¹ Edward Carpenter, ‘Defence of Criminals: Criticism of Immorality’, *To-day*, 2, 63 (1889), 31-41 (pp. 31-32). The article was concluded the following month. See idem, ‘Defence of Criminals: A Criticism of Morality (Concluded)’, *To-day*, 2, 64 (1889), 61-71.

but even the most civilised European nation—whichever that may be—regards it as rather glorious to kill the fathers and children of others in war. We are not able yet to grasp the relationship between men. In the same way, while we resent the crude thefts practised by some lower races, we are still not civilised enough to resent the more subtle thefts practised among ourselves which do not happen to conflict with the letter of any legal statute.³²

Socialist and anarchist perspectives on crime would largely move within the same conceptual framework that Marx and Engels' sociological analyses had formed. Such a criminological approach was not confined to the legal construct of crime but explored the complex network of all social relations as explained by contemporary socioeconomic forces. Punishment was neither an ethical nor effective means to tackle phenomena that arise out of social conditions, and even the rehabilitative ideal would be seen as merely symptomatic relief if not accompanied with social reorganisation. As they formulated their sociopolitical plans and analysed the human condition socialists and anarchists such as Wells, Ellis, Kropotkin, and Carpenter would take from Marx and Engels the crucial idea that the system of capitalism did not produce the immoral figure of the criminal but simply pushed otherwise social individuals into conflict with one another.

In late nineteenth- and early twentieth-century Britain socialism and anarchism were both widely eclectic domains of thought and activity. A historical investigation that seeks to define a distinctly socialist approach to crime or an 'anarchist criminology' is an exercise in futility. Individual approaches, as will be shown in this thesis, though each promulgating ideas of radical reform and revolution from the same sociopolitical terrain, would vary considerably in their epistemological, ontological, and methodological composition. And yet there is in this particular historical setting a shared language of crime. Socialists and anarchists, though not the exclusive proprietors of such a discursive domain, would unanimously conceptualise the figure of the criminal as an individual who has been failed by the conditions in which society had placed him. Most would apply themselves to the task of calling for penological reform – heard not only in Britain but through Western Europe, Russia, and America – at the same time as emphasising the need for social reorganisation as a means to tackle crime. The demands for an end to the perverted, brutalising and largely ineffective

³² Havelock Ellis, *The Criminal* (London: Walter Scott, 1890), p. 206. All subsequent references to the text will refer to the first edition unless specified otherwise.

British penal system were particularly vociferous from the socialist and anarchist camps, understandably so when considering their interactions with the juridico-penological complex. Such radicals were experiencing the strong and subversive arm of the law first-hand during the social unrest of the 1880s and 1890s: anarchist Johann Most (1846-1906), after publishing an article in 1881 in his London based *Freiheit* wherein he applauded the assassination of Tsar Alexander II, was sentenced to sixteen months hard labour; Carpenter himself was assaulted by the police in the 1887 Trafalgar Square demonstrations; and the activity of police entrapment was illuminated after the show trial of the Walsall Anarchists in 1892.³³

But the perceived corruption of these institutionalised practices were to those in the socialist and anarchist circles indicative of the failures of society as a whole. As such, correcting the failings of the police, judiciary, and prisons was a method of mere symptomatic relief. One finds Sidney (1859-1947) and Beatrice Webb (1858-1943), founders of the Fabian Society, pressuring parliament to push through reforms to end the abysmal state of the penal system all the whilst pressing home the message that there was no prison imaginable that would ‘not be gravely injurious to the minds of the vast majority of the prisoners, if not also to their bodies’ and ‘the most practical and the most hopeful of “prison reforms” is to keep people out of prison altogether’.³⁴ Holding on to such hopes, socialist and anarchist radicals would question the very structure of social organisation itself, as seen in Ellis’ quote above. In doing so, they would participate within a shared discourse of late nineteenth- and early twentieth-century criminological thought that looked to explain anti-social behaviour in sociological, psychological, and biological terminology, through the methodological apparatuses of statistics, the case study, and anatomical observation, as they put forward their sociopolitical claims for the vast expansion (and perfection) or complete eradication of the state.

³³ For this episode in Most’s history, see Bernard Porter, ‘The *Freiheit* Prosecutions, 1881–1882’, *The Historical Journal*, 23, 4 (1980), 833-856.

³⁴ Sidney and Beatrice Webb, *English Prisons Under Local Government*, with pref. by Bernard Shaw (London: Longmans, 1922), p. 248.

Chapters

The introductory chapter will consist of a survey of perspectives on the criminal as portrayed in the socialist utopia and anti-socialist dystopia within this period. Themes of eugenics and degeneration, as well as great advances in science and technology, are abundant in the literature, shaping discussions of crime and law enforcement, and criminals are dealt with in ways that would be rather implausible in the authors' contemporary settings. In fact, the irony of these utopias, which so easily allowed for their satirising counterparts, was that the closer one envisages the practical achievements that could lead to the 'good' and 'just' society, the less palatable the original utopia becomes. Similarly, the means of ridding society of its criminals and 'undesirables' is far less appealing than the final utopian panorama. Found in these utopias are the extermination of the 'moral monster', the sterilisation of or refusal of procreation for prospective parents, forced labour, and very little space for pleas of mitigating circumstances. The socialist and anarchist utopias simultaneously boasted their equitable and happy societies whilst being constructed on such unsavoury foundations.

Even where the devised utopias do not feature such uncomfortable proposals, there nevertheless arise confrontations with the question of crime. When Daniel Pick introduces his *Faces of Degeneration* with Gustave Flaubert's (1821-1880) unfinished, posthumously published *Bouvard and Pécuchet* (1881), it can be noted that Bouvard's 'rosy view' of mankind's future includes the belief that '[e]vil will disappear as want disappears', suggesting that economic inequality is the cause of crime, or perhaps even that immorality is only found amongst the poorer members of society.³⁵ Even in the romantic ideal of socialism found in William Morris' (1834-1896) *News from Nowhere* there remains ominous inflections of positivist criminology, and the criminal who is found to be 'sick or mad [...] must be restrained till his sickness or madness is cured'.³⁶ Criminal law and criminal proceedings are sometimes extensively documented in the

³⁵ Quoted in Daniel Pick, *Faces of Degeneration: a European Disorder, c.1848-c.1918* (Cambridge: Cambridge University Press, 1989), p. 1.

³⁶ William Morris, *News from Nowhere; or, An Epoch of Rest. Being Some Chapters from a Utopian Romance* (Boston: Roberts Brothers, 1890), p. 114.

socialist utopia, as seen in John Petzler's *Life in Utopia* (1890).³⁷ Both the socialist utopia and anti-socialist dystopia share common themes in the identification and treatment of the criminal, and we often find discussion of the habitual criminal and its relationship to insanity and disease, hereditary criminal traits, eugenic schemes, and penal colonies. A critical survey of such themes, their placement in the wider discursive practices of their time, and their relationship with the doctrines of anarchism and socialism will be provided in the opening chapter.

Chapter Two addresses the criminological discourse of the first of the four figures to feature in this thesis: H. G. Wells. Whilst drawing on his scientific romances and journalism on sociobiological matters, the focus will centre on what is widely regarded as his trilogy in the *Fortnightly Review*, wherein he addresses contemporary concerns by making a number of observations on the identification, punishment, and rehabilitation of the criminal. Although *Mankind in the Making* (1902-3) and *A Modern Utopia* (1904-5), the second and third papers, can be read as Wells' attempts to revise positions taken in the first, *Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought* (1901), there are a number of continuities in his approaching the questions that concerned anti-social behaviour. The notion, for instance, of unseen *tendencies* or undesirable traits, transmitted from parents to their offspring, which would, if environmental or accidental conditions permitted, push the afflicted individual into criminality is discussed in each text, as are the responsibilities of both the individual and the state in this matter. Such an approach to the biological causes of criminality allowed Wells on the one hand to dismiss the 'extraordinary assertions'³⁸ of Cesare Lombroso (1835-1909) and the anthropological school, and to hold the lens over a toxic capitalist society, yet simultaneously keep one eye firmly

³⁷ John Petzler, *Life in Utopia. Being a faithful and accurate description of the institutions that regulate labour, art, science, agriculture, education, habitation, matrimony, law, government, and religion, in this delightful region of human imagination* (London: Authors' Co-operative Publishing Co., 1890), pp. 168-81.

³⁸ Wells, 'Anticipations. VII.—The Conflict of Languages', *Fortnightly Review*, 70, 418 (1901), 725-38 (p. 726).

placed on the human body.³⁹

As will be contended in this thesis, Wells was not alone in such an unsettled domain, and the views of the other figures featured herein bear similarities: Ellis' assertion that crime was often a question of how natural drives and forces could become corrupted and caused to erupt in poor social conditions; Kropotkin's conviction that anti-social tendencies do not assuredly lead to criminal behaviour; Carpenter's belief that individuals could, in the right environment, consciously evolve into better beings through 'exfoliation'. The causes of and the solutions to anti-social behaviour had to be placed under both the individual's hereditary influences and the inequitable society of which they were a constituent part. I consider the 'fragmented' and sometimes 'contradictory'⁴⁰ sociobiological discourse in Britain, to use the vocabulary of Greta Jones, to emerge from the unstable space between biological and social determinism, as classic interpretations of physical phenomena and metaphysical conceptions such as the body and morality were unsettled by a number of new scientific epistemologies. Davie assumes a similar position as he examines the competing criminological disciplines in Britain between the late nineteenth- and early twentieth centuries, arguing that such fragmentations 'distinguished different kinds of offender, rather than what they shared as members of an homogenous "criminal class"'.⁴¹ The unclear image

³⁹ Lombroso, heralded as the father of modern criminology, placed the body at the centre of criminal causation in his 1876 publication *L'Uomo Delinquente* ('Criminal Man'). He was seen by his contemporaries to be leading the 'anthropological school' of criminology, the principles of which were widely regarded – somewhat reductively – to hold that crime was caused by perceived abnormalities within an individual's physiological composition. Indeed, by the fifth edition of *Criminal Man* Lombroso had observed that the threats of those figures which throughout history had been viewed with anxiety originated from their bodies: the woman was innately hysterical; the child amoral at birth; the non-white races savage through atavistic degeneration; and the poor inherently diseased and intellectually deficient. See Cesare Lombroso, *Criminal Man*, trans. and ed. by Mary Gibson and Nicole Hahn Rafter (Durham: Duke University Press, 2006). However, as Gibson and Rafter point out, Lombroso also embraced the 'environmental school' of crime, which saw social and other external conditions as influencing anti-social behaviour. See Gibson and Rafter, 'Editors' Introduction' in Lombroso, *Criminal Man*, 1-36, pp. 2, 13, 31. Beirne has previously emphasised that such intellectual development of Lombroso was ignored by some of his contemporaries, allowing them to criticise his thought as monocausal biological determinism. Piers Beirne, 'Heredity versus Environment: A reconsideration of Charles Goring's *The English Convict* (1913)', *The British Journal of Criminology*, 28, 3 (1988), 315-39 (p. 315). This article would largely make up chapter 6 of *Inventing Criminology* (pp. 187-24). Whether or not Lombroso's approach was misinterpreted, theories of crime that advanced monocausality and hard determinism were challenged by those that employed the type of language one finds here used by Wells. Phrases such as 'predisposition' and 'tendency' suggested malleability and indeterminacy, and were used by those who offered the perspective that behaviours were not prescribed by one's body but by the way it interacted with the conditions in which one lived.

⁴⁰ Greta Jones, *Social Darwinism and English Thought: The Interaction Between Biological and Social Theory* (Brighton: Harvester Press, 1980), p. ix.

⁴¹ Davie, *Tracing the Criminal*, p. 185.

or ambiguous nature of the criminal is all the more indistinct owing to the form of his diverse textual and conceptual configurations. As they explored the uncertain space between the criminal's body and its environment, Wells, Ellis, Kropotkin, and Carpenter would discuss such a figure in various literary spaces. They wrote about the subject of crime and criminality in a number of genres, and we find the criminal being thought about differently if our authors are projecting prophetic ideals or putting forward limited social resolutions, if they are writing creative, imaginative texts or sober sociological reports. 'Thinking about crime' for them is inevitably complicated, if not contradictory. As it will be seen, in the thought of this thesis' protagonists the criminal is on the one hand, for instance, a dangerous individual who damages the well-ordered conditions of society and on the other an individual whose otherwise well-ordered condition has been damaged by a dangerous society. For them, the figure of the criminal, therefore, was deeply ambivalent. Problematically, these ambiguities in their positions naturally resulted in the misinterpretation of their commentaries, both by their contemporaries and historians alike. For Wells, then, although there was no 'criminal ear' or 'criminal thumb', individual bodies could not be ignored by the sociopolitical reformers of his day or by those of the future.⁴² As he aptly put it, speaking through his protagonist Remington: 'Statecraft sits weaving splendid garments, no doubt, but with a puny, ugly, insufficient baby in the cradle'.⁴³

Chapter Three analyses the criminological discourse of Ellis. With the 1890 publication of *The Criminal*, Ellis was to some extent responsible for being the first to encourage a wide audience in Britain to engage with the largely international 'science' of criminal anthropology. Collating and condensing the current leading opinions of the heterogeneous movement, arguably spearheaded by Lombroso's Italian school, Ellis introduced the public to a number of the scientific discourses concerning the physiological, psychological, and environmental construction of the criminal. The composition of this fellow man, woman, or child had hitherto been largely ignored by a public with a keen interest only in such a figure's monstrosity and horrifying crimes. Ellis intended for the criminal to be assessed on measured, scientific grounds, to be no longer merely 'a subject for sensational excitement, or unwholesome curiosity, as a

⁴² H. G. Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', *Fortnightly Review*, 72, 430 (1902), 704-22 (p. 713).

⁴³ H. G. Wells, *The New Machiavelli* (London: John Lane, 1911), p. 408.

creature to be vituperated or glorified without measure'.⁴⁴ Though this book, his main work on criminology, came at the very start of his literary career, Ellis continued to write about the subject throughout his life. Questions concerning the criminal, morality, and law often appeared in his articles, sexological case histories, and book chapters, and Ellis frequently reviewed leading works of domestic and foreign criminal anthropologists for *The British Journal of Psychiatry* between 1890 and 1919.

Only recently have studies on Ellis started to situate him within a wider historical context, rather than merely portraying a melodramatic personal life. In particular, some excellent scholarship by Ivan Crozier and Chris Nottingham has addressed the lack of critical interaction with his biosocial theory: the former engaging with Ellis' contributions to the new medical and secular discourses of sex, the latter uniting the various intellectual positions of the 'new man',⁴⁵ both scholars placing his writing within the vacillating domain of the 'new politics'.⁴⁶ Historical analysis of Ellis's ideas on crime and the criminal, whereby his thought is placed amongst the discursive practices that surrounded these subjects, is, however, still wanting. Davie has recently provided a useful account of Ellis' introduction, and the subsequent reception, of continental criminal anthropology to Britain.⁴⁷ But as of yet, no study has seriously engaged with Ellis' overall treatment of crime or penalty, let alone framing it against his political and philosophical outlook, and we find him largely devalued to having only produced an English edition of Lombroso's *Criminal Man* (1876) and his contributions having little effect on British practitioners.⁴⁸

Ellis' views on crime, sex, women, and morals need to be read, following Crozier and Nottingham, in the various contexts that surrounded the body as a

⁴⁴ Ellis, *The Criminal*, p. 283.

⁴⁵ The term 'new man' is borrowed from Thomas Dixon. Such a man 'was unimpressed by [the] traditional morality' of the Victorian age, looked to sociopolitical reorganisation rather than 'the sentimental and earnest philanthropy of his parents', and 'experimented with unconventional sexual relationships'. Thomas Dixon, *The Invention of Altruism. Making Moral Meanings in Victorian Britain* (Oxford: Oxford University Press, 2008), pp. 325-326.

⁴⁶ Havelock Ellis and John Addington Symonds, *Sexual Inversion: A Critical Edition*, ed. by Ivan Crozier (Basingstoke: Palgrave Macmillan, 2008); Chris Nottingham, *The Pursuit of Serenity: Havelock Ellis and the New Politics* (Amsterdam, Amsterdam University Press, 1999). The 'new politics', as described by Nottingham, 'was all issues, plans, and causes; the rights of women, the imperative of peace, the need for an international language, the virtues of an open approach to human sexuality. It was always inclined to the utopian and the self-righteous and was infinitely richer in substance than the thin gruel served up by conventional politicians'. Nottingham, *The Pursuit of Serenity*, p. 16.

⁴⁷ See fn. 6 above.

⁴⁸ Elizabeth C. Miller, *Framed: The New Woman Criminal in British Culture at the Fin de Siècle* (Michigan: University of Michigan Press, 2008), p. 32; David Garland, 'British Criminology before 1935', *British Journal of Criminology*, 28, 2 (1988), 1-17 (pp. 5-6).

biological entity, the mind with all its 'natural' drives and desires, and the human as a sociopolitical being. One such context concerned the role Ellis' generation had in ensuring the prosperity of the next. As part of the late nineteenth- and early twentieth-century eugenics 'movement', Ellis' views on crime were never far from the matter of procreation. Indeed, his views on crime and eugenics were both directed at a common goal: a utopian Britain based on the tenets of socialism, where a heterogeneous collective of men and women, able-bodied and free-willed, all lived and worked under the legitimacy of scientific naturalism. But to interpret Ellis' views on criminal anthropology and eugenics in light of his politics is not the simplest of tasks, for he appears to be inconsistent on a number of key topics when it comes to the reach of the state. Sometimes denouncing the idea of any compulsory state-prohibition on matters of procreation – a territory which garnered support (particularly when concerning the criminal) from a number of his fellow eugenicists – and sometimes advocating it, Ellis gave mixed messages on these issues. Such conflict in Ellis' writing will be placed within the unstable, self-contradictory, and highly ambiguous discursive practices of British criminology in this period.

It will be contended that at the foundation of his sociopolitical outlook Ellis is caught in a struggle between his utopian ideal of a higher collective conscience, which was to be realised through education and the re-evaluation of ethics, and his political radicalism, which demanded a more practical outlook on social reform. Ellis' criminal anthropology is also marked by this philosophical tension. For although he may advocate programmes of education and reform, rather than discipline and punishment, for the imprisoned criminal, he also concedes that identifying 'abnormal children' and providing them with the appropriate treatment would be a better method to tackle the problem of crime. 'We cannot catch our criminals', Ellis sinisterly states, 'too young'.⁴⁹

In Chapter Four the focus takes a detour from socialism, and examines the criminological theory of Russian anarchist Kropotkin, whose writing had been published in Britain since 1876, ten years prior to his settling in London after his release from the *Maison Centrale* of Clairvaux. Kropotkin's positions on crime, law, and prisons were generated through his scientific naturalism, his revolutionary political idealism, and his experiences of incarceration. More accountable than the cosmical and anthropological causes of crime, he argued, were the economic, jurisdictional, and

⁴⁹ Ellis, *The Criminal*, p. 300.

social conditions of post-Napoleonic Europe. As Kropotkin professed, echoing the aphorism attributed to Alexandre Lacassagne (1843-1924): ‘We have our part of shame in the deeds of our assassins’.⁵⁰ Many of those working in the discipline of criminology recognise Kropotkin as anticipating some of the theoretical approaches that emerged in the second half of the twentieth century; his ‘sociological criminology’ is found centring on the tension between the social-natured individual and the anti-social inequities of his environment. The most thorough work coming from this field is that of Larry L. Tifft and Lois E. Stevenson’s 1985 paper, wherein Kropotkin’s criminological thought is assessed abstractly and contemporarily, but not historically.⁵¹ Other criminologists have also discussed Kropotkin’s contributions to their discipline.⁵² A perspective that centres on such ideas in their historical context however, has largely been overlooked, and remains undeveloped in those who have approached the subject. Emile Capouya and Keitha Tompkins briefly discuss Kropotkin’s ideas on crime in their introduction to a collection of the anarchist’s major works, but fail to adequately situate his writing within sites of conflict and instability: Kropotkin’s criminals are, to the authors, merely placed in opposition to the ‘bad bloodlines’ which ran through those of Max Nordau (1849-1923) and Lombroso.⁵³ Stephen Osofsky presents Kropotkin’s criminological views as partly occupying the sociobiological realm, and critically engages with them, albeit rather firmly from a philosophical (not to mention slightly polemical) rather than historical stance. Osofsky provides a valuable reading of how Kropotkin saw prison, with its injurious effects on

⁵⁰ Peter Kropotkin, *In Russian and French Prisons* (London: Ward and Downey, 1887), p. 361. For more on Lacassagne, including the aphorism referred to here and his relations with Kropotkin, see fn. 411 below.

⁵¹ Larry L. Tifft and Lois E. Stevenson, ‘Humanistic Criminology: Roots from Peter Kropotkin’, *Journal of Sociology and Social Welfare*, 12, 3 (1985), 488-520.

⁵² Jeff Ferrell, ‘Peter Kropotkin (1842-1921)’ in *Fifty Key Thinkers in Criminology*, pp. 30-36; Bruce DiCristina, *The Birth of Modern Criminology: Readings from the Eighteenth and Nineteenth Centuries* (New York: Wolters Kluwer Law & Business, 2012), pp. 206-211, 244-255.

⁵³ Emile Capouya and Keitha Tompkins, ‘Introduction’ in *The Essential Kropotkin*, ed. by Capouya and Tompkins (London and Basingstoke: The Macmillan Press, 1976), pp. xiii-xviii. In his 1892 text *Degeneration*, widely read and reviewed in Britain, Nordau took the biological concept of evolutionary reversion (whereby individuals exhibit characteristics of their primogenitors) and applied it to modern art and literature. Therein he criticised all of those in the arts who focused on ‘depraved’ themes as being themselves mentally and morally degenerate. See William Greenslade, *Degeneration, culture and the novel, 1880-1940* (Cambridge: Cambridge University Press, 1994), pp. 120-33; and Hans-Peter Söder, ‘Disease and Health as Contexts of Modernity: Max Nordau as a Critic of Fin-de-Siècle Modernism’, *German Studies Review*, 14, 3 (1991), 473-487. Catherine Spooner notes that a possible reason for *Degeneration* being a bestseller in Britain (going through eight editions in 1895 alone) is that it coincided with Oscar Wilde’s infamous trial and the subsequent furore that rose over the subject of moral degeneration. See Catherine Spooner, *Fashioning Gothic Bodies* (Manchester: Manchester University Press, 2004), p. 101.

its inhabitants, as a microcosmic variant of malignant bourgeois society. Such an interpretation will be developed in this thesis.⁵⁴

Though he would maintain throughout his life an aversion to the belief in biological fatalism, Kropotkin was nevertheless very much part of that knowledge regime which held the individual's body at the epistemic centre. Indeed, just as criminal anthropologists could not avert their eyes from the individual's physiological constitution, Kropotkin saw society and politics through a biological lens, as epitomised in his exploration of evolutionary psychology that composed *Mutual Aid: A Factor of Evolution* (1902). In fact, because his criticism of the state and of modern society and its institutions was fundamentally made from a bio-evolutionary perspective, Kropotkin asserted that the individual suffered physiological maladies as a result of such social organisation, and nowhere was this course of poor health more concentrated than within the walls of the prison. For Kropotkin, humankind's 'illness' caused by this unnatural organisation of society was literal: he deemed the artificiality of society as responsible for the actual abnormal functioning of the body of the citizen. And where function was found to be impaired in diseased bodies or fragile wills, focusing only on curing or reforming those typified as social deviants (the course to health as suggested by the juridico-medical expertise of the state) would result in mere symptomatic relief.

It was his conviction, one that was similar to Ellis' belief in the natural 'formal statement' of socialism, in humankind's biological sociality – in a distinctly Russian coalition of Darwinism and Lamarckism⁵⁵ – rather than in the doctrine whereby individuals competed in a Huxleyian 'struggle for existence', which separated Kropotkin from many of his European counterparts on the problem of crime. Yet he never strayed too far from the assumptions of the positivist school of criminology, and he believed that the individual's unnatural physiology could lead to crime. Though he disagreed with the theory of criminal predetermination, such as that held by British psychiatrist Henry Maudsley (1835-1918), who ominously proclaimed in 1870 that '[n]o one can escape the tyranny of his organisation; no one can elude the destiny that

⁵⁴ Stephen Osofsky, *Peter Kropotkin* (Boston: Twayne Publishers, 1979), in particular pp. 111-12.

⁵⁵ Jean-Baptiste Lamarck (1744-1829) emphasised the role that the environment had on evolution, stressing that through the organism's interaction with the environment new traits would be acquired, and that such traits were inheritable. For Lamarck, see Richard W. Burkhardt, Jr., *The Spirit of System: Lamarck and Evolutionary Biology* (Cambridge, MA: Harvard University Press, 1995), in particular pp. 143-85 for his theory of evolution.

is innate in him',⁵⁶ Kropotkin conceded that in particular circumstances those possessing a 'nervous impressibility', a mental state which may have been inherited and had remained ill-attended since childhood, were *at risk* of committing crimes.⁵⁷ Criminals were made in defective societies and reinforced in the prison, and it was only by combating the former's organisation of its members that the problem of anti-social behaviour could be effectively addressed.

Chapter Five turns to the thought of another writer with anarchist views, Carpenter. As John Stokes accurately asserts, on the question of crime Kropotkin, Ellis, and Carpenter shared the same intellectual predicament: the rehabilitation of the criminal.⁵⁸ As aforementioned, attempting to deal with such an issue was not as simple as merely looking to make improvements to prisons, for these remained, to use Kropotkin's concise phraseology, 'institutions based on a false principle'.⁵⁹ Although the three radicals agreed that penological reform could only be accomplished alongside sociopolitical change, each of their approaches and judgements differed. Stokes notes the distinctions:

Apparent deviants had to be understood within the context of a social ideal: Carpenter's 'a healthy body', Kropotkin's 'one great family', Ellis' model of harmonious social order.⁶⁰

Carpenter's approaches to criminology and penology, summarised below, have been treated as belonging to a narrative whereby a positivist, radical secularism informing a socialist ideal favoured forced labour and medicinal cure for the criminal. Philip Jenkins rhetorically asks how Carpenter as a socialist *and* homosexual could 'possibly

⁵⁶ Henry Maudsley, *Body and Mind: an inquiry into their connection and mutual influence, specifically in reference to mental disorders* (London: Macmillan, 1870) p. 75.

⁵⁷ Kropotkin, *In Russian and French Prisons*, p. 352.

⁵⁸ John Stokes, *In The Nineties* (Chicago: University of Chicago Press, 1989), p. 102.

⁵⁹ Kropotkin, *In Russian and French Prisons*, p. 301. This chapter, entitled 'On the Moral Influence of Prisons on Prisoners', was first delivered as a speech in Paris in 1877.

⁶⁰ Stokes, *In the Nineties*, p. 104. Their united concerns and varied perspectives were points not pursued by the author (which is no criticism, for they were tangential to his primary endeavours) yet they constitute an integral route that will be explored in this thesis.

favour the discretion and medical imperialism inherent in the new penology'.⁶¹ Other writers have given Carpenter a little more credit. Similarly, in Sheila Rowbotham's thoroughly researched and detailed biography, Carpenter's texts concerning crime, though grounded in their historical and political settings, are not treated to any critical engagement.⁶² Tony Brown's collection of essays is an excellent example of writing a history of Carpenter's ideas, and his work is placed amongst that of his fellow radicals, actively participating in the contemporary dialogues concerning feminism, sex and sexuality, socialism, and science.⁶³ Again, however, Carpenter is not found to be occupying the debate on crime, criminals, or prison reform. Although Bailey justly allocates space to Carpenter and Ellis in his paper on the 'abatement of imprisonment', there is little expansion, and their positions are arguably misplaced, the former merely contributing towards 'a more 'scientific' view of crime', the latter only repeating positivist calls for treating crime as disease.⁶⁴

Like Kropotkin, a man whom he greatly admired, Carpenter wrote a damning indictment of the modern prison system. In *Prisons, Police and Punishment* (1905), Carpenter condemned the state for its arcane laws and penal institutions: together they manufactured criminals and were responsible for the recidivist; as branches of capitalist corruption they enslaved the working classes; and they held humanity in a stranglehold that prevented the path to true freedom and selfhood. Although the penal system of Carpenter's day had advanced from its most primitive stage, which he defined by the notion of 'Revenge', it continued to bear the atavistic features of the second phase, 'Punishment', with its irrational and unreasonable enforcement, and had not yet passed the third stage of 'Deterrence', with its failed methods of preventing crime. Finally, the process reaches its resolution in the stage of 'Reclamation', when in a society without fear and without the desire to punish, the prisoner is educated, reformed, and returns as

⁶¹ Philip Jenkins, 'The Radicals and the Rehabilitative Ideal, 1890-1930', *Criminology*, 20 (1982), 347-372 (p. 361). Jenkins' approach reduces the complex biosocial discourse found in socialist criminology to mere deterministic social Darwinism which, among other broad assertions, invites criticism: 'Many [radicals] were driven to socialist conclusions by Darwinian views, reminding us that social Darwinism was not a conservative preserve. [...] This broad philosophical approach was reflected in socialist attitudes to criminology. English-speaking radicals wholeheartedly espoused the various theories of determinism in competition in these years' (pp. 363-4). A history such as this removes the various scientific and philosophical excogitations made by socialists to the theories of, for instance, Lamarck, cooperation, and evolutionary psychology.

⁶² Sheila Rowbotham, *Edward Carpenter: A Life of Liberty and Love* (London: Verso, 2008), pp. 146, 251, 308-09.

⁶³ See *Edward Carpenter and Late Victorian Radicalism*, ed. by Tony Brown (London: Frank Cass, 1990).

⁶⁴ Bailey, 'English Prisons', pp. 306-07.

a fellow-citizen.⁶⁵ Here, prisons were to act as ‘Industrial Asylums’, wherein prisoners would be ‘cured’ through health-giving work, as modelled by the new American state reformatories of Elmira in New York and Concord in Massachusetts.⁶⁶ Carpenter’s idealism created a humane solution to the problem of anti-social behaviour, but arguably blurred the harsh realities of these institutions.

To understand Carpenter’s approach to the criminal, as Stokes maintains, and place it in the context of his social ideal – the healthy body – we are forced to confront his somewhat confusing philosophical oeuvre. Consistently advocating an organic spiritualism, albeit informed by a diverse range of intellectual roots, Carpenter struggled with the wedding of the natural, the individual, and the collective, their alienation having been brought about by modern, capitalist organisation. But this alienation could be reversed and humankind’s progress achieved through a Lamarckian process whereby desire and effort would produce favourable variation, a system Carpenter named, in homage to Walt Whitman (1819-1892), ‘exfoliation’.⁶⁷ Refuting the ultimacy of pre-formed character, he accepted only a ‘loose’ Darwinism: a ‘soft’ determinism whereby an individual could defy their corrupted physiological and psychological organisation in order for their true self to emerge. The idea of exfoliation coloured his ideas on criminality and Carpenter believed that once an individual shed their false consciousness and rejected the moral relativism of legal and ethical codes could they be free to desire solely that which is beneficial to both the individual and collective self. With humanity redeemed – free from repressive mores and harmoniously unified – a true democracy would commence. Such a philosophical position was first formulated and expressed in the 1870s and 1880s, and there is certainly continuity in Carpenter’s thought throughout his life. In the 1890s and 1900s, however, as he engages with the increasingly discussed problems of criminal insanity, hereditary degeneration, and disease, his commentaries on crime are found to be situated further within the biological domain of criminological discourse.

⁶⁵ Edward Carpenter, *Prisons, Police and Punishment. An Inquiry into the Causes and Treatment of Crime and Criminals* (London: Arthur C. Fifield, 1905).

⁶⁶ *Ibid.*, pp. 61-62, 66.

⁶⁷ Edward Carpenter, ‘Exfoliation: Lamarck *versus* Darwin’ in Carpenter, *Civilisation: Its Cause and Cure, and Other Essays* (London: Swan Sonnenschein, Lowrey & Co., 1889), pp. 129-47. For a brief interpretation of both Whitman’s and Carpenter’s Lamarckism, see Harry Gershenowitz, ‘Two Lamarckians: Walt Whitman and Edward Carpenter’, *Walt Whitman Quarterly Review*, 2, 1 (1984), 35-39.

Wells, Ellis, Kropotkin and Carpenter were four figures who wrote rather extensively on the matters of crime and criminality. Although one might find them absent from a history of criminology in Britain their thought on criminological topics, expressed in a variety of textual genres (from fiction to scientific treatise) and in relation to extra-criminological discourses (such as sexological enquiry and the evolutionary theory of mutual aid) can be placed in a complex history of thinking about crime. In such a history that concentrates on the intersection where ideas on crime crossed those on socialism and utopianism in Britain, other prominent individuals could feature. And yet, not only have these four figures' thoughts on criminological topics been largely overlooked, their interdisciplinarity and diverse socialist positions allow for a wide-ranging historical study. Discussion of crime and criminality can be found in, for instance, Wells' experiments in prophecy, Ellis' studies on sexuality, Kropotkin's autobiographical accounts of imprisonment, and Carpenter's dreams of humanity's liberation. Furthermore, each engaged with a substantial volume of scientific theory that came to Britain from abroad. As such, though they lived, thought and wrote in Britain, their ideas are found to be part of a far wider intellectual and cultural context.⁶⁸

⁶⁸ Kropotkin is perhaps the best example of this. Though he lived and wrote in Britain for thirty-one years of his adult life, he had inhabited regions across Europe, from Siberia to the Jura Mountains, and his thought is easily read within this pan-European context.

Chapter One: Crime in the Socialist Literary Utopia/Dystopia

Is the Land of Social Unity yet explored? or is a true chart of the Ocean of Life yet drawn ?

It was to learn, if possible, more of these, to approach them nearer, but, at the same time, not to lose sight of our work-a-day world, I set forth.

Those who would condemn as chimerical, and those who would adopt as reality, what I have described, would be equally in the wrong. The gist thereof is a Speculative Hope.⁶⁹

Henry Wright, *Mental Travels in Imagined Lands* (1878)

Learning the shapes of possible new lands and moving towards them, at the same time as staying within the realm of reality, Henry Wright's 'Speculative Hope' is not, he warns, to be dismissed as 'utopianism' in the pejorative sense of the word, nor is it to force its way into the real to radically change society. His is a utopianism that sees a land not yet explored, and a picture of life not yet drawn. There are echoes of Bloch's idea of the utopian 'anticipatory consciousness' in Wright's view of historical processes, whereby the latent possibilities of speculative lands lie within the present, the only home of hope, and each moment nears towards possible territories from within the waters of the 'work-a-day world'. 'Speculative Hope' and 'anticipatory consciousness' are to the respective authors necessary for any understanding of unrealised potentialities and any approach towards future lands. As Wright contrasts his utopianism with the chimerical, Bloch advocates the 'concrete' utopia against the 'abstract' one, the latter being passive, compensatory daydreaming that has only discredited all that which receives the name 'utopian'. As we will see in Wright's 1878 literary projections, the concrete utopia emerges from within a social reality: it is inextricably tied to it, proclaims its dangerous falsehoods, and hopes for and speculates its alternative.⁷⁰

Visualisations of utopia, then, of places *yet* to be charted, stand in conflict with the real place from where such thought comes into existence. Utopian construction is not merely speculative prognostication and must be, as Frederic Jameson asserts,

⁶⁹ Henry Wright, *Mental Travels in Imagined Lands* (London: Trübner Company, 1878), 'Preface'.

⁷⁰ Hereon my use of the term 'utopia' and its derivatives refer to this interpretation unless stated otherwise.

‘motivated’.⁷¹ Peter Stillman states that ‘[e]ven at a minimum, the utopia demonstrates that alternatives to the present can and do exist, even if only in thought; the utopia serves to destabilise and relativise the present, to put it into a perspective in which it is not the only (and perhaps not the most desirable) possibility’. This is intrinsic to all utopian projections, whether presented as explicit critique or not:

So long as that imagined society contains instantiated alternative principles that are seen as in any way better than those of present society, or if the imagined (dystopic) society contains instantiated principles that are fearsome extensions of currently latent or submerged principles, the utopia may raise doubt or dissatisfaction in the reader’s mind about the moral superiority of the present and may suggest possibilities for change.⁷²

In destabilising and relativising the present, utopias are platforms of critique. ‘One cannot be critical about something that is believed to be an absolute’, stressed Zygmunt Bauman. ‘By exposing the partiality of current reality [...] utopias pave the way for a critical attitude and a critical activity which alone can transform the present predicament of man’.⁷³ The ‘predicament of man’ is important here. Human activity must be included in utopian speculation. Garden cities and techno-utopias of the future are nothing without a population that lives in accordance with the harmonious environment envisioned. As such, a ‘quintessentially utopian component’, asserts Gregory Claeys, ‘has to involve an expectation of behavioural improvement’. The increased sociability of a population, whether caused by or resulting in the idealised landscape, is integral to the concept – utopia sees the ‘moralisation of space’.⁷⁴ Indeed, in this sense it could be contended that utopian and criminological thought can share a semantic space.⁷⁵

Imagined moral spaces, or *more* moral than the ground from which they were projected, would paint a picture of more or less well-behaved individuals, working and living together in socially cohesive communities of various types. Unsurprisingly, that

⁷¹ Frederic Jameson, *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions* (London; New York, NY: Verso, 2005), p. 11.

⁷² Peter G. Stillman, ‘“Nothing is, but what is not”: Utopias as Practical Political Philosophy’ in *The Philosophy of Utopia*, ed. by Barbara Goodwin (London: Frank Cass, 2001), pp. 9-24 (p. 18).

⁷³ Zygmunt Bauman, *Socialism, the Active Utopia* (London: Allen and Unwin, 1976), p. 13.

⁷⁴ Claeys, ‘News from Somewhere’, p. 150.

⁷⁵ Peter Young, ‘The Importance of Utopias in Criminological Thinking’, *The British Journal of Criminology*, 32, 4 (1992), 423-437.

which *made* the individuals better behaved would be outlined or suggested. In More's *Utopia*, as briefly discussed below, the emphasis is placed on moral education, the Utopians *learning* – initially through formal schooling and then further augmentation in life's social interactions – how to be better for the benefit of society and the state. Utopian projections of the late nineteenth century similarly presented improved institutional and social support as beneficial for the individual's moral faculties. But the understanding of virtue being bestowed upon men and women, enlightened by social and religious induction, was complicated by new medical conceptions of morality.⁷⁶ Figures such as the born criminal and those suffering from moral insanity would not necessarily be influenced by the moralisation of space in utopia. As will be shown in this chapter, utopian populations would commonly be moralised through changes to their physiological constitution. Although focusing solely on eugenics and thinking of 'betterment' in a much wider sense than that of moral improvement, Patrick Parrinder asks an important question: 'Can we imagine a better society without imagining, and wishing to create, better people?'⁷⁷

The Inequitable Environment

The social conditions depicted in the late nineteenth-century socialist utopia would stand in stark contrast to those of real life. The very arrangement of Victorian society would be scrutinised by its utopian counterpart, and the objectionable condition of life would be presented as the *result* of such a structure. In the speculated land, crime and criminals would be better prevented and punished due to fundamental changes in society's processes. Crime, in this sense, would be placed within the system itself. Indeed, it was so in More's *Utopia*. When Hythloday, world traveller who has visited the land of Utopia, speaks about his time in England, he recalls his disagreement with a lawyer about the causes and punishment of crime. On the subject of capital punishment for larceny, he expressed the opinion that as well as it being grossly disproportionate and cruel, there is no punishment horrible enough to keep one from

⁷⁶ For a study of this historical development see Heidi Rimke and Alan Hunt, 'From sinners to degenerates; the medicalization of morality in the nineteenth century', *History of the Human Sciences* 1, 15 (2002), 59-88.

⁷⁷ Patrick Parrinder, 'Eugenics and Utopia: Sexual Selection from Galton to Morris', *Utopian Studies*, 8, 2 (1997), 1-12 (p. 1).

stealing if it is the only means of living. For Hythloday, crime would inevitably result from an inequitable environment:

For great and horrible punishments be appointed for thieves. Whereas much rather provision should have been made, that there were some means whereby they might get their living, so that no man should be *driven to this extreme necessity*, first to steal and then to die.⁷⁸

He saw the causes of crime in destitution and need, brought upon the common man by the idle, profiteering, and land-seizing gentleman. Furthermore, as the English impoverished suffered poor education and moral guidance from youth, Hythloday put it to his company that the only conclusion was that such a society first makes the criminals and then punishes them.⁷⁹ More's radical aetiological assumptions of the causes of crime would sit quite comfortably alongside much of that found within the socialist literary utopias emerging three and a half centuries later. Indeed, we find it being directly referenced in Reverend William Tuckwell's *The New Utopia, or England in 1985* (1885). In discussing the applicability of More's *Utopia* in his own age, Tuckwell's first point of reference is the discussion of crime and its relation to the inequitable economic system.⁸⁰ Crime as an intrinsic condition of rapacious capitalism would become a common motif of the genre in the late nineteenth century. As is asserted in Frederick W. Hayes' *The Great Revolution of 1905; or, The Story of the Phalanx* (1893) that dealing with crime itself is merely symptomatic treatment – 'of dealing merely with the *results* of the system' – and that what was needed was fundamental restructuring of society.⁸¹

One commonly criticised structure of the late Victorian socioeconomic apparatus was the system of property. Just as More had seen in property the misappropriation of the common man and the cause of his ruin and subsequent criminality, the relationship between property and crime in the socialist literary utopia follows a similar figuration. In Robert Desborough's *State Contentment: An Allegory*

⁷⁸ Thomas More, *Utopia*, in *Three Early Modern Utopias: Utopia; Atlantis; The Isle of Pines*, ed. by Susan Bruce (Oxford: Oxford University Press, 1999), pp. 1-148 (p. 19). My emphasis.

⁷⁹ *Ibid.*, p. 24. First published in 1516.

⁸⁰ Revd. W[illiam]. Tuckwell, *The New Utopia, or England in 1985. A Lecture delivered in the Town Hall, Birmingham, on Sunday February 8th, 1885* (Birmingham: Birmingham Sunday Lecture Society, 1885), pp. 2-3.

⁸¹ Frederick W[illiam]. Hayes, *The Great Revolution of 1905; or, The Story of the Phalanx in Late Victorian Utopias*, 4, ed. by Gregory Claeys (London: Pickering & Chatto, 2009), pp. 165-420 (p. 201). First published in 1893.

(1870) Abel Temple asks Quilt Harnot, founder of the socialistic utopian community to which Abel has travelled, how moral beliefs can be valued when there is no inalienable religious doctrine on which to base them. He does this by putting forward each of the Ten Commandments. ‘Thou shalt not steal’ is the most easily answered. ‘Here we have nothing to steal’, Harnot explains, ‘all is common property. The commandment does not apply to us’.⁸² In this utopia, theft has been removed with the negation of property and the imposition of common ownership. Similarly, communal goods in Ellis James Davis’ *Pyrna: A Commune; or, Under the Ice* (1875) had extinguished the ‘incentive to accumulation’. Crime was unknown, for want and need, ‘the great temptation to evil’ did not exist: ‘none quarrelled, none robbed their neighbours, none envied’.⁸³ Though property remains in the realm of Nomunniburgh in Wright’s *Mental Travels in Imagined Lands*, it is held only by those who wish to put it to good use and, with the eradication of money and the provision of universal well-being, we are told, property does not create crime as it does in other countries.⁸⁴ In Morris’ *News from Nowhere* (1890), Old Hammond tells the utopian dreamer William Guest that since private property – an ‘injustice of the state’ – was abolished, the criminal laws and criminal class it had created went with it.⁸⁵ Harold Edward Gorst’s *Without Bloodshed* (1897), though largely satirising a socialist utopian Britain, sees government abolish property, a system described as being ‘responsible for most of the crime and bloodshed which darken the pages of the world’s history’.⁸⁶

The notion that property created crime – and that the eradication of the former would largely or entirely remove the latter – is mirrored in the socialist literary utopia with respect to capital and an exploitative wage system. In Louisa Sarah Bevington’s *Common-Sense Country* (1890), the eradication of a competitive economic system had seen the end of theft and fraud.⁸⁷ Similarly, the abolition of money in John Petzler’s *Life in Utopia* has put an end to prostitution, and women no longer ‘embrace vice’ out

⁸² Robert Desborough, *State Contentment: An Allegory* (London: The Newsagents’ & Publishing Company, 1870), p. 45.

⁸³ Ellis James Davis, *Pyrna: A Commune; or, Under the Ice* (London: Bickers and Son, 1875), pp. 118-19.

⁸⁴ Wright, *Mental Travels in Imagined Lands*, p. 81.

⁸⁵ Morris, *News from Nowhere*, p. 111.

⁸⁶ Harold Edward Gorst, *Without Bloodshed; a Probability of the Twentieth Century* (Westminster: Roxburghe Press, [1897]), p. 92.

⁸⁷ L[ouisa] S[arah] Bevington, *Common-Sense Country* (London: James Tochatti, “Liberty” Press, [1890]), p. 11.

of the need or desire of financial gain.⁸⁸ Returning to Hayes' *The Great Revolution of 1905*, the result of the revolution in abolishing money and the very notion of profit 'disposed at one stroke of nineteen-twentieths of the offences at common law'.⁸⁹ Indeed, Hayes goes on to discuss how the desire for money could result in the most egregious of crimes. Citing the National Society for the Prevention of Cruelty to Children's (NSPCC) rather staggering 1892 annual report into child abuse,⁹⁰ his very first example of Victorian crime is that of the murder of children for insurance claims, mainly from 'deliberate starvation' and 'the innocent-sounding but deadly 'neglect''.⁹¹ Though such offences were most often committed from within the impoverished section of the population, Hayes clarifies that poverty itself was not the cause of the crime:

[N]either poverty nor large families had much to do with the prevalence of the offences, [therefore] the student of the late régime can only assume that *the profit-mongering system had ample power to extinguish even that love of offspring*.⁹²

William Thomson's projections of what a socialist utopia would look like criticised the contemporary money system too. In *A Prospectus of Socialism; or, A Glimpse of the Millenium* (1894) he devoted a chapter to law and order. After explaining that the vast majority of crimes fit into the classes of fraud, forgery, embezzlement, stealing, and pilfering, Thomson asserted that the exploitative system of modern commerce had such an intrinsic relationship with crime – irrespective of social class – it could be described as crime itself.⁹³ John Bagot, behind the pseudonym John B. Middleton, unequivocally linked the desire for money with crime in *The God of this World: A Story for the Times* (1905). In the appendix Bagot inserts a passage of his writing that had recently been printed in the *Middleton Guardian*, which he had edited since 1877. Attacking the

⁸⁸ John Petzler, *Life in Utopia*, p. 49.

⁸⁹ Hayes, *The Great Revolution of 1905*, p. 174.

⁹⁰ After its founding in 1884 as the London Society for the Prevention of Cruelty to Children (SPCC), the NSPCC came into being in 1889, the same year that The Prevention of Cruelty to, and Protection of, Children Act was passed, largely thanks to the society's campaigns. For the history of how child abuse and neglect grew into a national public issue and question of moral reform in the second half of the nineteenth century see George K. Behlmer, *Child Abuse and Moral Reform in England, 1870-1908* (Stanford, CA: Stanford University Press, 1982).

⁹¹ Hayes, *The Great Revolution of 1905*, p. 177.

⁹² *Ibid.*, My emphasis.

⁹³ William Thomson, *A Prospectus of Socialism; or, A Glimpse of the Millenium, Showing Its Plan and Working Arrangements, How It May Be Brought About* (London: W. Reeves [1894]), pp. 209-12.

greed of the age, he attributes the vast majority of crimes that come to court as being produced by money, ‘the root of all evil’. In what seems seeped in the pessimistic-optimistic oscillation of the age, Bagot asserts that ‘[t]here is money in the temptations which are held out to men to drink, to gamble, or to commit the many offences, mentionable and unthinkable, which go to make this glorious old world of ours so seedy and disreputable at all times’.⁹⁴

One might assume that such condemnation of how the mercenary property and wage systems of the day were the cause of criminal acts illustrated poor people wilfully choosing to commit offences – albeit confronted with death as the only alternative – in a classical criminological interpretation. And yet, as will be shown, the genre displays a considerable convergence with the aetiological frameworks offered by a positivist reading of crime. Murder in Desborough’s country of State Contentment was unheard of. No laws or moral codes were required to discourage violent behaviour, Harnot tells Temple, for ‘[t]o prevent a crime is to annul the cause’, and the eradication of the socioeconomic class system meant that those debased feelings that lead to ‘malice aforethought’ were no longer engendered by the animosity between the rich and poor.⁹⁵ In Wright’s Nomunniburgh, as we have seen, the eradication of money has meant that the property system is no longer a causal factor of crime as it is in other countries. The decision to rid the municipality of money was based on the belief that it invoked evil, and was the cause of fundamental moral codes being ever broken. It was regarded as the source of much crime, for the desire to make money ‘stimulated some of the [mental] faculties to an unhealthy degree, left others disused and unexercised to an equally injurious extent [...] and the consequence was a total rusting of all the nobler faculties’.⁹⁶ Though there is undoubtedly some satire in the medicalisation of crime in Scottish physician Joseph Carne-Ross’ *Quintura; Its Singular People and Remarkable Customs* (1886), the very idea that crime can be observed in physical and mental phenomena was rooted within the biological perspectives of criminal anthropology. The ‘forms of disease’ that resulted in theft, chicanery, and forgery had been eradicated with the abolishment of poverty and excessive wealth.⁹⁷ Money (or ‘mammon’) in

⁹⁴ John B. Middleton (pseud. of John Bagot), *The God of this World: A Story for the Times* (London: Kegan, Paul, Trench, Trubner, & Co., 1905), p. 203

⁹⁵ Desborough, *State Contentment: An Allegory*, p. 43.

⁹⁶ Wright, *Mental Travels in Imagined Lands*, pp. 27-28.

⁹⁷ Joseph Carne-Ross, *Quintura; Its Singular People and Remarkable Customs* in *Late Victorian Utopias*, 3, ed. by Gregory Claeys (London: Pickering & Chatto, 2009), pp. 3-55 (p. 20).

Bevington's *Common-Sense Country* did not only encourage or even force one to undertake criminal activity, it affected one's moral and mental constitution. It depleted the very soul, drained 'moral individuality', and created the 'moral paralytic'. As such, when money filled one hand, the other wielded manic desires of power and oppression.⁹⁸ As Hayes argued in *The Great Revolution of 1905*, theft and such-like crimes resulted from the 'profit-mongering system'. Again, money is presented as something that disturbs the natural moral faculties, a cognitive affliction that can create a criminal just as it can create professionals who work out of greed:

[T]he use of money [...] led directly to the evolution of that section of the predatory classes which consisted of professional loafers and roughs, petty thieves, and dangerous criminals of the burglar and garrotter types [...] The instincts which in other grades of society produced the lawyer, the sweater, the slave-driver, the company-promoter, and the blackmailer, operated more simply among the lower classes and in more direct lines.⁹⁹

And in Thomson's *Prospectus*, private ownership and competitive business is found to evoke hateful and malicious feelings amongst and between men, and are condemned for 'provoking the evil passions of our nature, tempting us to be deceivers, traitors, backbiters, and liars, to gain our ends and accomplish our purposes'.¹⁰⁰ By removing the system of capitalism such tendencies would not be evoked, and with the adoption of socialism 'all those causes of crime, wretchedness, and misery would be swept away'.¹⁰¹ Similarly, in the anonymously authored *An Amazing Revolution and After* (1909), a universal moral shift has been brought about by the advancement of socialism:

They had not realised the effect which would be produced by not merely relaxing but withdrawing all the stringent and unnatural social and economic rules which had for generation after generation hampered the free action and play of human nature in every class. They did not realise that the movement, originating as it did with the more privileged classes, would at once exercise an enormous moral influence on every class, including its own.¹⁰²

⁹⁸ Bevington, *Common-Sense Country*, p. 8. First published in 1886.

⁹⁹ Hayes, *The Great Revolution of 1905*, p. 197.

¹⁰⁰ Thomson, *A Prospectus of Socialism*, p. 16.

¹⁰¹ *Ibid.*, pp. 217-8. My emphasis.

¹⁰² [Anonymous], *An Amazing Revolution and After* (London: George Allen and Sons, 1909), pp. 93-4.

The fears of moral sickness were not always so directly linked to the domain of money, commerce, and property. In fin-de-siècle Britain a vast array of factors and conditions were perceived to be contributing to moral degeneration. Alcoholism, disease, insanity, atavism, and other afflictions began to form the basis of discussions on crime. All discursive fields – from legal to literary, religious to scientific – encountered crime through an engagement with such notions, and the socialist critique of Victorian social mores and cultural institutions was no different. And yet it rather consistently directed its gaze to social conditions, its pessimistic perspective oscillating with the hope that the factors behind moral disorder could be eradicated or abated with the improvement or fundamental change of the environment.

Diseased, unhygienic, squalid environments did not only have deleterious effects on one's body, but also harmed one's moral faculties. Harnot tells Abel in *State Contentment* that he fled Victorian London before the 'dirt and infamy' left him 'irretrievably corrupted'.¹⁰³ In the anonymously authored *Darkness and Dawn; The Peaceful Birth of a New Age* (1884), highly commended by Alfred Russel Wallace who saw it as a book which deals more with critiquing the current evils of the age than with constructive socialism, but still eloquently expresses the ideas and aspirations of the movement,¹⁰⁴ a socialist state maintains strict hygiene and health in jails, and it is contended that had the inmate enjoyed such conditions before his imprisonment it 'would have kept him from criminality'.¹⁰⁵ The passage from squalid conditions to crime was simply a matter of cause and effect, and Victorian England's failure in such basic criminal aetiology is condemned by the inhabitants of Elizabeth Corbett's *New Amazonia*:

"Prevention is better than cure," is just as trite and useful a maxim for the State as it is for the subject, as is also the warning against being "penny-wise and pound-foolish." It would cost much less for our country to feed, clothe, educate, and train to useful avocations half-a-million youngsters taken from the slums, than it would cost to meet one-half of the expenses that same half-million of juveniles will provide for their compatriots before they have run the course of drunkenness,

¹⁰³ Desborough, *State Contentment: An Allegory*, p. 35.

¹⁰⁴ Alfred Russel Wallace, *My Life: A Record of Events and Opinions*, 2 (London: Chapman & Hall Ltd, 1905), p. 268.

¹⁰⁵ [Anonymous], *Darkness and Dawn; The Peaceful Birth of a New Age* (London: Kegan Paul, Trench and Co., 1884), p. 73.

pauperism, misery, and crime which the laws of cause and effect have only too surely marked out for them in the unhappy future.¹⁰⁶

Thomson's prospectus explicitly details the importance of the environment in shaping human morality. Moral faculties improve through the mechanism of evolution, but only if the surroundings are conducive to such development:

Evolution and natural development have proved that everything in animal and vegetable life is more or less affected for good or evil by its surrounding conditions [...] By the condition with which he is surrounded is his moral development advanced or retarded; and that the lower ranks of our common humanity have advanced but very slowly, if at all, since we may almost say pre-historic times, is just because of their shocking surroundings. Such surroundings, where the brothels and public houses swarm, draw their victims to their ruin and death, and thus destroying their manhood, and their humanity, sending them forth as firebrands of crime, prostitution, destitution, and outrageous madness.¹⁰⁷

In *An Amazing Revolution and After*, the utopian socialist society has seen environmental changes change the moral constitution of man – his very instincts and passions – for the better. Reflecting on the revolution, a utopian citizen admits that he 'did not realise how largely *human nature* is affected by its surroundings', and goes on to pour scorn on a 'depressing book' that encouraged the perspective that humankind was in a state of irrevocable degeneration.¹⁰⁸ The revolution, however, has been a revelation. Humans are found to have 'divine instincts' which are 'grand and noble, tender and true'. There is in every individual the drives of self sacrifice and love; 'devotion so deep, so absorbing, that even sexual desire ceases to be gross and sensual'. Such instincts would emerge and expand, the socialist revolution had proven, even under merely 'reasonable' social conditions.¹⁰⁹

The improvement or increased virtuousness of sexual desire following a socialist revolution, as just mentioned, arises in a number of titles in the genre. In *Pyrra*, a free, equal, fraternal and sanitary existence is extolled above all else. As such, the mental and physical health of the population is excellent. This has, in turn, led to

¹⁰⁶ Elizabeth Burgoyne Corbett, *New Amazonia; a Foretaste of the Future* (London: Tower, [1889]), p. 129.

¹⁰⁷ Thomson, *A Prospectus of Socialism*, p. 19.

¹⁰⁸ [Anonymous], *An Amazing Revolution and After*, pp. 148, 149-50. My emphasis. The reference is made, of course, to Nordau's *Degeneration* (1892). See fn. 53 above.

¹⁰⁹ [Anonymous], *An Amazing Revolution and After*, pp. 150-1.

the near-eradication of immorality and crime, particularly that which can derive from the sexual passions:

Immorality is unknown to such an extent, that we lack a word for adultery, or that other vice which makes night hideous in your crowded capitals. Think you that vice is alone the product of the natural mind of man? No! It is the weak frame, the debilitated and nervously infirm constitution that rushes from one form of evil to another in the endeavour to forget in the momentary gratification of the passions the maladies that are eating away the health and diminishing the very life-blood of the unfortunate.¹¹⁰

Pyrna was not Davis' only foray into utopian fiction. In *Etymonia* (1875), a communal utopia set in the North Sea, the Etymonians have created a society that emphasises equality – labour and land is shared fairly, all thought and opinion is valued alike, and men and women are considered equals. With no imbalance of power between the sexes, and none of the repressive and hypocritical religious customs as found amongst the Victorians, sexual relations are seen to be healthy and natural. Were it otherwise, crime and immorality would ensue. We are told that '[n]atural sexual desires, if restrained for too long, would develop into a psychopathy, a monomania'. In Victorian society this not only led to prostitution, but to '[s]eductions, rape, violence, and unnatural offences against children'. In *Etymonia*, there exists the custom of sexual friendship: '[A]ppetites are not allowed to attain to an unhealthy force [...] They do not indulge, but merely satisfy the appetites without imagination'.¹¹¹ In *News from Nowhere* Morris, who, as has been shown, saw the abolishment of private property as a key cause of crime's elimination, connects the notion of property with sexual violence. Old Hammond explains to Guest:

Let us look at the matter closer, and see whence crimes of violence spring. By far the greater part of these in past days were the result of the laws of private property, which forbade the satisfaction of their natural desires to all but a privileged few, and of the general visible coercion which came of those laws. All that cause of violent crime is gone. Again, many violent acts came from the artificial perversion of the sexual passions, which caused overweening jealousy and the like miseries. Now, when you look carefully into these, you will find that what lay at the bottom of them was mostly the idea (a law-made idea) of the woman being the property of the man, whether he were husband,

¹¹⁰ Davis, *Pyrna: A Commune*, pp. 109-10.

¹¹¹ Davis, *Etymonia* in *Late Victorian Utopias*, 1, ed. by Gregory Claeys (London: Pickering & Chatto, 2009), pp. 149-272 (235-7). First published in 1875.

father, brother, or what not. That idea has of course vanished with private property, as well as certain follies about the 'ruin' of women for following their natural desires in an illegal way, which of course was a convention caused by the laws of private property.¹¹²

With the eradication of the poverty-producing, inequitable system of capitalism, criminal actions could be greatly reduced or even extinguished altogether. But importantly, the demise of such a system saw criminal *tendencies* and *instincts* quashed. Moral afflictions were greatly abated or even cured after fundamental changes in the social structure saw the removal of an unjust property and wage-system, and the improvement of hygiene and sanitary conditions.

Punishment and Prevention

In the socialist literary utopia the nature of the human condition can be so transformed by the new order of life that no punishment is required in the event that crimes do occur. In *State Contentment*, such is the moral betterment of individuals that when crimes have been committed – portrayed as accidents and mistakes – the only punishment for the perpetrators was 'the torments of their own consciences'.¹¹³ Yet this is the exception to the norm. Punishment for crimes or measures for its prevention is a common subject in the genre. In *Pyrna*, all crimes, against the government or individual, would be punishable by death or exile: 'If one person transgressed, the whole machinery was put out of gear; the mechanism was stopped; and the mischief done was incalculable'.¹¹⁴ Capital punishment was used for those with infectious diseases, but would only occur with the consent of the perpetrator, who, again with a new conscience directed towards the social collective, would commonly provide it so, as they 'would rather leave life than be the cause of injury to his brethren'.¹¹⁵ Prevention of crime in *A Thousand Years Hence* (1882) took the form of huge efforts of lighting in the city in what was seen as a 'moral resanitation' scheme, 'turning all the criminal class out of the long-accustomed dark dens and recesses of old town life, which had previously sheltered from common view the hosts of those owls of the

¹¹² Morris, *News from Nowhere*, p. 112.

¹¹³ Desborough, *State Contentment: An Allegory*, pp. 43-44.

¹¹⁴ Davis, *Pyrna: A Commune*, p. 69.

¹¹⁵ *Ibid.*, p. 103.

night'.¹¹⁶ But if prevention did not work, and the professional or habitual criminal continued in their ways, for their sake and for the good of society they would be placed in permanent confinement. The author sees this as an 'extirpatory method'. By improving the environment, those who are not constitutionally affected by criminality – 'the casual or non-professional lawbreaker, and especially the juvenile first offender', who 'might yet be good citizens' – were separated from those that are criminal by their nature, the 'persons of whom there could be reasonably no such hope'.¹¹⁷ In the anonymously authored *Politics and Life on Mars: A Story of a Neighbouring Planet* (1883), crime has been greatly reduced amongst the lower classes with the introduction of a form of syndicalism. Increased freedom and power for such individuals to conduct their own affairs has led to an increase in socialistic schemes, resulting in a well-functioning, happy society. When crime does occur, it is punished by short sentences with the convicted undertaking compulsory but profitable labour.¹¹⁸ In *Darkness and Dawn*, criminals are 'punished' with employment in public schemes, which also helps to improve public hygiene and, by implication, reduce crime.¹¹⁹ That being the case, widespread fraternal feelings (though directed somewhat by a nationalism verging on the xenophobic) have diminished the need for law enforcement: 'There was no starvation, degradation, lurking discontent, class enmities, or sedition among the populace; all were busy, cultured, leisured, moral [...] Visitors to the country would see hospitals sparse, jails closed, lunatic asylums transformed into gardens.'¹²⁰

In the state of Nommuniburgh in Wright's *Mental Travels in Imagined Lands*, exile is the popular method of punishment. Following a common motif of the literary socialist utopia, such is the importance of universal labour that refusal to do one's 'share' is considered criminal, and banishment from the state would follow three unheeded warnings.¹²¹ The ideal of rehabilitation is also found in Wright's text, and those found guilty of violent offences against an individual would serve time in prison

¹¹⁶ Nunsowe Green (pseud.), *A Thousand Years Hence, Being Personal Experiences* (London: Sampson Low, Marston, Searle, & Rivington, 1882), pp. 168-9. The illumination of cities was a huge topic since Edison's lightbulb in 1878, and its effects wowed crowds at the World's Fair in Paris that year, generating much debate about its uses, including that of crime. See

¹¹⁷ Green, *A Thousand Years Hence*, p. 171.

¹¹⁸ *Politics and Life on Mars: A Story of a Neighbouring Planet* (London: Sampson Low, Marston, Searle, & Rivington, 1883), pp. 136-159.

¹¹⁹ [Anonymous], *Darkness and Dawn*, p. 89.

¹²⁰ *Ibid.*, pp. 101-2.

¹²¹ Henry Wright, *Mental Travels in Imagined Lands*, p. 81.

until they willingly offered reparations and their apology to their victim.¹²² Similarly, Petzler's guide to utopian life lists the degrees of punishment for 'the dereliction of duty in the performance of labour and its superintendence'. These range from being listed in the newspapers to imprisonment with penal labour for more serious misconduct of duties.¹²³ Hayes' revolutionary collectivist society sees huge work schemes and reform result in an abundance of varied work being universally available. An Act was proposed that would see citizens penalised if they could not prove to hold a lawful means of subsistence, with penalties that were cumulative in severity up to the point of seven years imprisonment for successive offences. As a result, large numbers of criminals – who cared to live only by illegal means – voluntarily left the country. Those who did not were, on the day the Act came in to effect, rounded up in a nationwide police operation. Offered national service as recompense, most willingly accepted.¹²⁴ In George Read Murphy's 1894 *Beyond the Ice*, the collectivist utopia of the country of Zara has seen a great reduction of crime with the introduction of mass lighting, as seen in *A Thousand Years Hence*. The destitute, however, are sent to the Pentona labour colony, in what is seen less as a criminal sentence, and more as an opportunity for the individual to fulfil their duty: 'When a man cannot get work, the Government gives it to him'.¹²⁵ Nevertheless, they share Pentona with criminals of all guises. All are met with fair treatment and consideration, but to behave badly can see sentences extended and may even result in execution. It is exclaimed that the system works by being consistent rather than fearful: crimes of all sorts are deterred by the certainty not the severity of the punishment.¹²⁶ The prison system is very much intertwined with the wider economy: the country benefits from the labour, prisoners are well provided for, and as the notion of good labour becomes habitual they are reformed into voluntarily dutiful citizens.¹²⁷

Reforming individuals was not only a matter of instilling good habits, but of producing remedial recovery. The medicalisation of crime, emerging in the second half of the nineteenth century, had moved morality away from the conception of evil

¹²² Ibid., p. 81.

¹²³ John Petzler, *Life in Utopia*, p. 71.

¹²⁴ Hayes, *The Great Revolution of 1905*, pp. 310-16.

¹²⁵ G[eorge] Read Murphy, *Beyond the Ice: Being a Story of the Newly Discovered Region Round the North Pole, Edited from Dr. Frank Farleigh's Diary* (London: Sampson Low, Marston & Company [1894]), p. 108.

¹²⁶ Ibid., p. 110.

¹²⁷ Ibid., p. 274.

towards the observable conditions of sickness. Such a movement is satirised in *Quintura*, whereby crimes are predicted by medically trained police in physiological indicators. Those displaying such criminal marks are sent to hospital for treatment.¹²⁸ A similar approach is found in *New Amazonia*. Criminal activity is seen to indicate diseases and afflictions of the brain, and a curative approach is taken.¹²⁹ ‘Dietists’ treat mental and moral afflictions, such as violent tempers and nervous tendencies, as the body is treated to help ‘facilitate’ the mind’s moral faculties.¹³⁰ In *What Will Mrs Grundy Say?* (1891) the punishment for crime must be read in light of the satirical nature of the novel, but the contemporary understanding of the interconnection between crime and disease are nevertheless highlighted. Offenders of minor crimes have diseases or physiological malcontent ‘transferred’ to their body for the period of their sentence.¹³¹ If offences are serious, such as murder, ‘for the protection of the State’ criminals are sent to prison for capital punishment or remain there until death.¹³² Prison doctors, however, on finding that a criminal is suffering from mental maladies, can have sentences reduced. As these utopias have vastly improved or even ‘perfected’ the social conditions of existence, it is no surprise that criminality has to be treated as a physiological phenomenon. Thomson addresses this explicitly in *A Prospectus of Socialism*. Crimes in utopia ‘are more likely to be caused by some form of inherited disease or natural failing than from general unjust and unfair conditions of living as is now [in Victorian Britain] the case, and by a thousand aggravatory causes forced and twisted into being by and through the unjust inequalities of our circumstances’. Punishment in utopia would thus be more humane, and entirely directed toward reforming and improving the criminal. The prevention of such criminal physiological conditions would be key, and ‘as much care as possible would be taken to counteract evil tendencies’ in the young.¹³³ After Guest condemns the violence of the police in *News from Nowhere*, particularly in the case of Bloody Sunday where they first assaulted protestors and then threw them in prison, Dick, his guide, calls imprisonment a disgrace, with nineteenth-century prisons being the worst. There are of course no

¹²⁸ Carne-Ross, *Quintura*, p. 6.

¹²⁹ Corbett, *New Amazonia*, p. 75.

¹³⁰ *Ibid.*, p. 92.

¹³¹ Michael Rustoff (pseud. of Forbes Edward Winslow), *What Will Mrs Grundy Say? or A Calamity on Two Legs (A Book for Men)* (London: Simpkin, Marshall, Hamilton, Kent & Co., 1891), pp. 182-7.

¹³² *Ibid.*, pp. 143, 155-8.

¹³³ Thomson, *A Prospectus of Socialism*, p. 221.

prisons in Morris' utopia.¹³⁴ But the subject of violent passions is more complicated. 'Hot blood will err sometimes', says Old Hammond, but if violence is seen to arise from moral insanity the offender 'must be restrained till his sickness or madness is cured'. Otherwise there is nothing else that can be done, for punishing individuals for the safety of society was a failed experiment, leading only to an existence of ferocity and fear.¹³⁵ And yet it is difficult to see this put in to practice. When in the narrative a man commits murder out of jealous love, it is repeatedly suggested that he should 'go away' and live in solitude somewhere, sounding very similar to a non-compulsory, though somewhat coercive, banishment.¹³⁶

Men, Women, and Children

The problem of crime that Morris depicted in *News from Nowhere* that concerned the relations between the sexes was encountered in the literary socialist utopia rather frequently. Love and sexual relations could result in crimes of passion and jealousy, and the conception and raising of younger generations carried with it the risk of making anti-social constituents. The fear of inborn criminality appears in Jane Hume Clapperton's *Margaret Dunmore; or A Socialist Home* (1888), as seen in Frank's concern about a natural, immovable immorality found in some children. Though this is challenged by Margaret as one dimensional biological thought, and a dual relationship between the body and the environment is propounded, she nevertheless makes it clear that it is the commune's duty to overpower the 'forces' that give rise to deviant thought.¹³⁷ State intervention into the realm of sex and the family was commonly increased in socialistic visions as a means of safeguarding social harmony. Petzler's detailed description of utopian life discusses how the state closely regulates marriage from the commencement of adulthood. Such intervention is seen to prevent ruinous marriages by criminalising breaches of promise. Of most concern for the state, however, and which guided their marriage laws, was the possibility of the 'physical

¹³⁴ Morris, *News from Nowhere*, pp. 62-4.

¹³⁵ *Ibid.*, pp. 113-15.

¹³⁶ *Ibid.*, pp. 222, 225-6.

¹³⁷ Jane Hume Clapperton, *Margaret Dunmore; or A Socialist Home* (London: Swan Sonnenschein, Lowery & Co., 1888), p. 146.

and mental degeneration' of offspring.¹³⁸ In *Quintura*, children are cared for by the state from birth for five years – it had found that mothers could not bring up their children on purely scientific grounds, and such a relationship was 'injurious to a child's moral nature'.¹³⁹ After all the criminals were removed in Hayes' *Great Revolution*, their children were taken under the care of the State, and guided with goodness, nutrition, and hygiene. Similarly, in Thomson's *Prospectus* the law would see the children of criminals taken by the state and receive the necessary treatment to prevent them from leading the life of their criminal parents.¹⁴⁰ Later generations benefitted from such social reorganisation. Though the socialist revolution was not directed towards improving man's moral nature, it was observed that the introduction of a 'scientifically correct administration of the national affairs' had resulted in all that which centuries of ethical and religious instruction had failed to achieve:

Men were obliged to be outwardly moral, because the machinery for indulging their vices had disappeared [...] The younger generation has to this extent benefited from the new régime, that whereas their progenitors became more or less virtuous through the withdrawal of most of their opportunities of being vicious, the youth of our day has grown up in almost complete ignorance of the rascalities, the vileness, and the devilries which were part of the very atmosphere of his daily life to the average citizen before 1905.¹⁴¹

The state regulation of marriage and childcare were not the only methods of safeguarding society from anti-social beings and behaviour explored in the socialist literary utopia. The matter of procreation would also come under the arm of the state as a means of tackling crime and deviancy.

In the state of Pyrna, eugenic schemes of marriage regulation (by the Social Council and by medics) and the killing at childbirth of those who are deformed and diseased has led to a population composed of strong, 'well-made' people. Strictly adhering to the principles of survival of the fittest, the utopians' belief in acting 'entirely in accordance with those laws of nature' has allowed for much moral improvement: '[L]ook at our morals', the narrator's utopian companion exclaims, '[w]e are contented without excitement. There is no craving for change and novelty

¹³⁸ John Petzler, *Life in Utopia*, pp. 106-07.

¹³⁹ Carne-Ross, *Quintura*, p. 30.

¹⁴⁰ Thomson, *A Prospectus of Socialism*, p. 220.

¹⁴¹ *Ibid.*, p. 416.

among us, as there is with you, for our minds are healthy'.¹⁴² The projections in *A Thousand Years Hence* saw a society that would finally accept the science that said criminality in a parent is likely to result in criminality in the child. Though the state would not kill any badly born children, it would do its best to prevent them, and both lunatics and criminals were restrained from parenthood.¹⁴³ In Grant Allen's 'The Child of the Phalanstery' (1884) the community could only interfere with lives if it was in the 'prevention of obviously wrong and immoral acts, such as marriage with a person in ill-health'.¹⁴⁴ Murphy's collectivist city of Zara had legislation in place to put a stop to the born criminal:

And last, but not least, our weak and criminal population are kindly provided for, and restrained from reproducing, as a curse for the next generation, children without the wisdom to be good or happy.¹⁴⁵

And as will be explored in Chapter Two, Wells discussed the uses of eugenic schemes (sterilisation, segregation, infanticide) in *Anticipations*, *Mankind in the Making*, and *A Modern Utopia*.

The Anti-Socialist Dystopia

The methods of eugenics and euthanasia as means to protect society from criminally injurious individuals or their hereditary make-up also appeared in the socialist utopia's literary counterpart. The expression of a cultural fear of an amoral scientism that could lead to highly rationalised but ultimately dangerous and inhumane outcomes was a popular literary motif in the nineteenth century, the most famous early examples found in Johann Wolfgang von Goethe's (1749-1832) *Faust* (1808) and Mary Shelley's (1797-1851) *Frankenstein* (1818). Therein, the overreaching pursuit of scientific knowledge, often depicted as unleashed and running away from the palliative and ultimately salvational influences of morality, brings misery and ruin to its creators and others. Such a metaphor was evoked by Marx and Engels in the *Communist Manifesto*

¹⁴² Davis, *Pyrna: A Commune*, p. 109.

¹⁴³ Green, *A Thousand Years Hence*, p. 169.

¹⁴⁴ Grant Allen, 'The Child of the Phalanstery' in *Strange Stories* (London: Chatto and Windus, 1884), pp. 301-21. First published under pseudonym J. Arbuthnot Wilson in *Belgravia*, 54 (August), 163-176.

¹⁴⁵ Murphy, *Beyond the Ice*, p. 117.

(1848), when they drew on Goethe's figure of the sorcerer found in both *Faust* and his 1797 poem *Der Zauberlehrling* ('The Sorcerer's Apprentice').¹⁴⁶ Their political narrative of the bourgeoisie creating and then losing control of a system of production and exchange that would inevitably lead to their demise, evokes the same image of scientific knowledge and power not only escaping the hands of its maker but going on to threaten his existence. As Marshall Berman reflected:

Marx's imagery projects, here as ever, a sense of wonder over the modern world: its vital powers are dazzling, overwhelming, beyond anything the bourgeoisie could have imagined, let alone calculated or planned. But Marx's images also express what must accompany any genuine sense of wonder: a sense of dread. For this miraculous and magical world is also demonic and terrifying, swinging wildly out of control, menacing and destroying blindly as it moves. The members of the bourgeoisie repress both wonder and dread at what they have made: these possessors don't want to know how deeply they are possessed. [...] [S]triving to expand human powers through science and rationality, [they] unleash demonic powers that erupt irrationally, beyond human control, with horrifying results.¹⁴⁷

In the literary socialist dystopia of the late nineteenth and early twentieth centuries one commonly finds the depiction of science and rationality, freed from the system of ethics, driving the socialist state's policies. The sorcerer motif presents itself in a tyrannical, murderous biopolitics. Therein, one would frequently find the state's eugenic and euthanasic approach to crime.

In June 1871, a matter of days after the violent fall of the Paris Commune, *Fraser's Magazine* printed the anonymously authored story of 'The Travels and Adventures of a Philosopher in the Famous Empire of Hulee, From an Old MS., AD 2070' (1871). A satirical picture is painted therein of a socialist state where all customs and conduct are rigidly directed by Comtean positivism. A Hulean professor tells the visitor the defining principle of the age: 'Dans l'état (Hulée) l'esprit humain ... renonce à chercher l'origine et la destination de l'univers, et à connaître les causes intimes des

¹⁴⁶ Karl Marx and Frederick Engels, *The Manifesto of the Communist Party* in Marx and Engels, *The Communist Manifesto: A Modern Edition*, intro. by Eric Hobsbawm (London: Verso, 1998), pp. 31-78, p. 41. First published in 1848.

¹⁴⁷ Marshall Berman, *All That is Solid Melts Into Air: The Experience of Modernity* (London: Verso, 1983), p. 101.

phénomènes'.¹⁴⁸ Adhering to a mechanical and scientific view of life, the state would possess a knowledge of and benevolent control over all things, safeguarding society from every possible danger. Eugenics and euthanasia were employed to protect the health and well-being of the social whole: marriage was largely controlled by the medical profession, sickly children were 'immediately destroyed', and older Huleans who could no longer work or had been afflicted with disease or disorder were killed for the good of society.¹⁴⁹ The state saw that any individual with a chronic or incurable disorder was an offender, and was subjected to medical and scientific experimentation before execution. As the Hulean guide informs the visitor, 'this mode of utilizing criminals is better than that which is in use in some countries of hanging them up on a scaffold without a thought of those valuable organisations which are thus absolutely wasted, so far as rendering any service to humanity is concerned'.¹⁵⁰ In Henry Crocker Marriott Watson's *Erchomenon* (1879), state-run 'Baby Farms' are responsible for children from the day of their birth. Euthanasia is practised there, and newborns and older children alike are killed if they are sick or so unhealthy that they suffer. It is also intended that such practice would save the suffering of the community. The familiar idea that ill, suffering, poorly raised children were at danger of developing a depraved constitution or the tendencies that would result in deviant behaviour makes its appearance: 'I could not fail', the visitor of *Erchomenon* and narrator of the novel tells us, 'to contrast their position with that of thousands of children in the nineteenth century—ill-fed, badly clothed, and worse treated, allowed to grow up without instruction; or, rather, *trained in every criminal instinct*'.¹⁵¹ Amongst the inhabitants of Mars in Percy Greg's *Across the Zodiac* (1880), ill-temper and selfishness in children is feared to be symptomatic of hereditary taint. The 'Martialists' thus rely on the science of eugenics and apply 'the rule to deprive of life' any child with physical

¹⁴⁸ 'In the state (of Hulée) the human mind gives up looking for the origin and destination of the universe, and to know the intimate causes of phenomena'. [Anonymous], 'The Travels and Adventures of a Philosopher in the Famous Empire of Hulee, From an Old MS., AD 2070', *Fraser's Magazine*, 3 (1871), 703-17 (p. 710). The words are from Auguste Comte's 1830 *Cours de Philosophie Positive*, wherein he first set out his theory on the three epistemological stages of history, the final being the positive stage, where the metaphysical search for explaining all origins and ends is replaced by the scientific pursuit of the knowledge of the relations between phenomena. For the above (mis)quote, see Auguste Comte, *Cours de Philosophie Positive*, 1 (Paris: [s.n.], 1930), p. 4.

¹⁴⁹ [Anonymous], 'The Travels and Adventures of a Philosopher', pp. 714-5.

¹⁵⁰ *Ibid.*, p. 715.

¹⁵¹ Henry Crocker Marriott Watson, *Erchomenon; or, The Republic of Materialism* (London: Sampson Low, Marston, Searle, & Rivington, 1879), p. 88. My emphasis.

deformities that are likely to render it unable to be cured ‘of the habit of indulging mere temper and spite before they come to be men’. However, Esme – host of the narrating space-traveller – states that this is a rather exceptional custom, and many like him actively try to ‘influence’ children’s ‘gentler dispositions’, particularly through education, so that the will overrides instinct.¹⁵² Even if such information assuaged the narrator and reader’s unease with the Martialist’s approach to matters of dealing with deviant tendencies and behaviour, it is also revealed that all those suffering from insanity, alongside those guilty of serious crimes, are put to death.

Eugenic schemes found in anti-socialist dystopias could of course be entirely unconnected to crime. State regulation of marriage in Percy Clarke’s *The Valley Council* (1891), for instance, appears to have nothing to do with the prevention of congenital criminality: ‘If the marriage is likely to prove unhappy for the state, as by making public scandal, or bringing up weak children, of course the state steps in. But, as a rule, our physicians say who is to be married and who not, and the council takes their advice’.¹⁵³ However, eugenics, whether portrayed as criminological method or not, was not that commonly used in the anti-socialist literary dystopia as a means of discrediting socialism.¹⁵⁴ Indeed, after *The Valley Council*, it was not until *Red England; A Tale of the Socialist Terror*, published in 1909, that we find another dystopian literary example of socialism leading to eugenic practices. Therein, local communes would appoint marriage boards of three members – one of whom had to be a medical man – to regulate union.¹⁵⁵ Echoing *Quintura*, but conversely from a sharply critical angle, *Red England* sees the socialist state take children into its care one month after their birth, ‘to be brought up according to ideal scientific methods’.¹⁵⁶ It could even be the case that eugenics was *positively* displayed in the anti-socialist dystopian genre. The critique of socialism in that it led to abhorrent acts of eugenics was somewhat turned on its head in Alex Newton’s anonymously published *Posterity: Its*

¹⁵² Percy Greg, *Across the Zodiac; The Story of a Wrecked Record*, 1 (London: Trübner & Co., 1880), pp. 149-152.

¹⁵³ Percy Clarke, *The Valley Council; or, Leaves from the Journal of Thomas Bateman of Canbelego Station, N.S.W* (London, Sampson Low, Marston & Company, 1891), p. 180.

¹⁵⁴ This runs slightly contrary to Gregory Claeys’ assertion that within the genre the two themes are ‘not uncommonly’ combined. In both the socialist utopia and the anti-socialist dystopia of the period under focus eugenics appears in approximately one out of every six titles. Gregory Claeys, ‘The origins of dystopia: Wells, Huxley and Orwell’ in *The Cambridge Companion to Utopian Literature*, ed. by Claeys (Cambridge: Cambridge University Press, 2010), pp. 107-131 (p. 111).

¹⁵⁵ [Anonymous], *Red England; A Tale of the Socialist Terror* (London: John Milne, 1909), p. 170.

¹⁵⁶ *Ibid.*, p. 171.

Verdicts and Its Methods; or Democracy A.D. 2100 (1897). There, socialism is portrayed as anathema to progress partly because it is ‘soft’ on the lowest specimens of society. After an ominous ‘great war’ with Germany in the twentieth century, Britain looked to change her approach to crime and degeneration, encouraged by three factors: 1) the ‘tonic and bracing effect’ that war had brought to the moral substance of the British people; 2) that Socialism had destroyed Germany, and its people had become degenerate from the ‘relaxed moral tone’ of the unnatural political ideology; and 3) a new-found appreciation for Japan’s moral codes, founded in strict discipline.

These object lessons, coinciding with the increasing influence of the doctrine of evolution, taught our legislators that, in order to be just to the social body, and more especially to the generations which will succeed us, we must be severe to the unfit. Consequently, the tendency of criminal legislation has been to draw a line in our treatment of offenders, below which the individual is painlessly extinguished.¹⁵⁷

The eugenic code, founded on anti-socialist sentiments, has brought about the utopian-like existence in Britain in 2100. ‘One principal cause of our serenity and prosperity lies in this’, the guide insists, ‘that for many generations we have prevented the morally unsound and the mentally diseased from leaving progeny to trouble succeeding generations with their unsoundness’.¹⁵⁸

Eugenics as a means of dealing with criminals appears to be as common in the anti-socialist literary dystopia as it was in its utopian counterpart. When it came to painting a dystopian image of crime, criminality, and criminological methods under socialism, eugenics was not the go-to area. Instead, there were two contradictory assaults. On the one hand, a socialist existence was depicted as being rigidly ordered, mechanical, and artificial. This could see compassion for the individual disregarded, for the state and the collective were far more important, leading to inhumane practices and punishments. Furthermore, the artificial way of life could cause natural human tendencies – such as self-restraint – to disappear. On the other hand, socialism was portrayed as chaotic. Antithetical to the natural hierarchies that develop out of a competitive environment, socialism would see ‘average’ men in places of power, whose incompetence with dealing with social problems such as crime could reach to

¹⁵⁷ [Alex Newton], *Posterity: Its Verdicts and Its Methods; or Democracy A.D. 2100* (London: Williams and Norgate, 1897), p. 46.

¹⁵⁸ *Ibid.*, p. 14.

the level of the absurd.¹⁵⁹ The first of these two approaches is discussed below, followed in turn by the second.

Satirising socialism's ability to deal reasonably with crime was quite a common stance in these dystopias, and the principle of order and the rights of the collective over the individual were taken to extremes. In the Hulean Empire, for instance, the idea that socialism would result in the complete eradication of individual rights for the sake of social cohesion is attacked in the tale of a man violently beaten by his spouse for missing a customary religious practice of worshipping wives having his claims of assault thrown out of court.¹⁶⁰ The playing to the fears of female empowerment under socialism is also rather clear here, and is a common trope in the anti-socialist dystopias of this period. 1871 also saw the publication of Edward Bulwer-Lytton's *The Coming Race*, which like the Empire of Hulee sees women elevated to levels of superiority over men in anti-feminist, tongue-in-cheek fashion. Whilst crime does not exist in the subterranean community of the Vril-ya, it is largely due to the customary and hereditary depletion of passion. Furthermore, the individual has been subsumed by the communal and, in precursory tones to George Orwell, they live by the phrase "No happiness without order, no order without authority, no authority without unity".¹⁶¹ The idea that a socialist society, in placing the value of the state far higher than that of the individual, would result in the latter's harm is found in Clarke's *The Valley Council*. Therein the importance of the state has greatly diminished compassion for individual rights and lives. Barbaric forms of capital punishment such as being tied to a stake and left to die in the desert await those who 'have offended against the state'.¹⁶² Similarly, individuals who are convicted of a crime for the third time face death by poisonous suffocation. It is explained that capital punishment is preferred to prisons simply because 'they would cost the state a great deal'.¹⁶³ Benevolence suffers as order is maintained in *Red England; A Tale of the Socialist Terror* by a tyrannical socialist

¹⁵⁹ James Nicholas Peters also sees these two contradictory attacks as representing the main two anti-socialist charges at the beginning of the twentieth century. James Nicholas Peters, 'Anti-Socialism in British Politics c. 1900-22: the Emergence of a Counter-Ideology' (unpublished D.Phil, Nuffield College, Oxford, 1992), p. 60. It is, however, unlikely to be specific to socialism or to the age, and is highly probable that other ideologies have received the same contradictory assaults. It all depends on the political position of the aggressor.

¹⁶⁰ [Anonymous], 'The Travels and Adventures of a Philosopher', p. 712.

¹⁶¹ Edward Bulwer-Lytton, *The Coming Race* (Edinburgh: William Blackwood, 1871), p. 63.

¹⁶² Clarke, *The Valley Council*, p. 244.

¹⁶³ *Ibid.*, p. 246.

government, which, ruthless in its promotion of efficiency, punishes any citizen who fails to perform their labour ‘as well as it can possibly be done’.¹⁶⁴

The prospect of a socialist state so efficiently ordered that life becomes mechanistic and individual impulses are deadened can be found in Walter Besant’s *The Inner House* (1888). Crime has been eradicated in the socialist City of Canterbury. With no property or social inequity, ‘there is no incentive to jealousy, rapine, or double-dealing’.¹⁶⁵ Furthermore, the social conditions had brought about a gradual deadening of emotions, and with the freedom from anxiety and impassioned impulses individuals do not commit that class of crimes that fly out of love and rage alike.¹⁶⁶ But it is undoubtedly dystopian in tone – and whilst crimes have been eradicated, it has come at too great a cost to natural human tendencies and individual freedoms. Similar to Besant’s dystopia, W. Graham Moffat and John White’s *What’s the World Coming To? A Novel of the Twenty-First Century* (1893) sees a socialist society virtually crime-free due to its perfect and equitable structures. However, the satire is clear, and the eradication of crime would strike the reader as coming at a high price. Miss Preston, a psychic employed by the state for crime detection, boasts that the population’s emotions are largely held in check by the state, and it is only jealous love that can be a cause of crime: ‘[L]ove is the only passion left that is uncontrolled by legislation. Yet there is a cure even for love in these days’.¹⁶⁷ Socialism has almost entirely eradicated individual feelings and willpower in Horace Newte’s 1907 dystopia, *The Master Beast: Being a True Account of the Ruthless Tyranny Inflicted on the British People by Socialism, A.D. 1888-2020*. After children were taken by the state, the ability to love was also removed, and men’s interests in life have gone since they cannot take pleasure in work of their own enterprise. As such, they have become ‘soulless automatons’ without the faculties to restrain ‘outbursts of animalism’.¹⁶⁸

Another line of attack posited that socialism’s promise of equality would reduce the social collective’s aptitude. Criminal law under socialism is satirised in Charles Fairfield’s *The Socialist Revolution of 1888* (1884), and the law against ‘the misuse of natural gifts’ ensures that all act according to the lowest common

¹⁶⁴ [Anonymous], *Red England*, p. 137.

¹⁶⁵ Walter Besant, *The Inner House* (New York: Harper & Brothers, 1888), p. 29.

¹⁶⁶ *Ibid.*, p. 136.

¹⁶⁷ W. Graham Moffat and John White, *What’s the World Coming To? A Novel of the Twenty-First Century* (London: Elliot Stock, 1893), p. 126.

¹⁶⁸ Horace Newte, *The Master Beast: Being a True Account of the Ruthless Tyranny Inflicted on the British People by Socialism, A.D. 1888-2020* (London: Rebman Limited, 1907), p. 102.

denominator – the idea that mediocrity would accompany universal equality.¹⁶⁹ A similar criminal code was presented in Thomas Bertha's 'A Vision of Communism' (1873), where a visitor to a communist world ends up in court for believing in the notion of betterment and honouring natural aptitude.¹⁷⁰ Lastly, satirical blows could be made against socialism's claims to science and reason. Law courts are mocked in *Backwards and Forwards* (1905), and in a clear indictment of the idea that socialism is a scientific doctrine belonging to a professional class of intelligentsia, the protagonist, on trial for scowling, witnesses medical experts incessantly squabble over authority and judges preside with conceited superiority, who go so far as accusing a man of insulting the universe.¹⁷¹ The satire may be distinguished by its rhetorical method, but the message is the same as that made by many anti-socialists of the period. Indeed, the common critique which loosely holds all of these anti-socialist dystopias together is the idea that socialism would lead to despotic rule. This built on existing fears of the period, such as those that were appealed to in G. E. Raine's and P. C. Elgee's 1908 anti-socialist Conservative Party handbook. Therein the authors use a number of authorities to highlight a reasonable and widespread concern over the extent of power a socialist state would hold over the individual. They attack socialism with the argument that, although socialists proclaim equality of all, a group of professional elites would inevitably rise to despotic governance, and society would be split into two classes of those who rule and those who serve.¹⁷²

On the other side of the coin, the anti-socialist literary utopia could also depict socialism as chaos, with the state's zeal for equality and freedom resulting in hedonism and philistinism. Henry Crocker Marriott Watson, who we have previously encountered with his *Erchomenon*, wrote another anti-socialist dystopia in 1890 called *The Decline and Fall of the British Empire; or, The Witch's Cavern*. Therein, socialism is rashly adopted by a population panicking over severe climatic change. The socialist society sees moral values and traditional institutions quickly vanish:

Laxity of morals followed. Women, even publicly, strove to break down the barriers with which the wisdom of ages had protected the sanctity of the marriage relation, and to sweep away, as far as might be, the

¹⁶⁹ Charles Fairfield, *The Socialist Revolution of 1888* (London: Harrison & Sons, 1884), p. 8.

¹⁷⁰ Thomas Bertha, 'A Vision of Communism', *Cornhill's Magazine*, 28 (1873), 300-10 (p. 310)

¹⁷¹ Summer Spring (pseud.), *Backwards and Forwards* (London: V. Glaisher, 1905), pp. 127-37.

¹⁷² [G. E. Raine and P. C. Elgee], *The Case Against Socialism; A Handbook for Speakers and Candidates. With Prefatory Letter by the Right Hon. A. J. Balfour* (London: G. Allen & Sons, 1908), pp. 204-42.

distinctions of sex. All the foundations wore out of course. Grinding poverty urged men to demand change, for change's sake, in hope that something to the advantage of the poverty-stricken might turn up. Lawlessness was organised into a creed.¹⁷³

In Newte's *The Master Beast* we are told that 'Socialism has unhappily removed women's safeguards and inducements to morality, with the result that as a whole (of course, there are exceptions) the sex run morally amok'.¹⁷⁴ One should recall that Newte depicted men as being afflicted by socialism in that it turned them into automatons, mere 'cog[s] in a machine'. Lacking the willpower that men were otherwise presumed to hold, occasional outbursts of emotion could not be restrained.¹⁷⁵ The sexist Victorian hypocrisy should be clear. Socialism simultaneously endangered the social system by eradicating a man's emotional faculties – of which he is presumed to have control – and by allowing those of a woman to develop unrestrained, which would lead to her debauchery. Frances Everett's anti-socialist dystopia *John Bull, Socialist* (1909) includes throughout satirical references of well-known socialist texts, such as August Bebel's (1840-1913) *Woman in the Past, Present, and Future* (1893), Robert Blatchford's (1851-1943) *Merrie England* (1893), and Karl Kautsky's (1854-1938) *On the Morrow of the Social Revolution* (1903). Sexual relations come under tension now that women are 'free as the wind'¹⁷⁶ and, with references made to Ethel Snowden's (1880-1931) *The Woman Socialist* (1907), such freedom for women leads to a jealous affair of love resulting in a planned murder of vengeance and ultimately mania and suicide.¹⁷⁷ Alfred Morris' explicit attack on Bellamy provides a dystopian image of socialist life in *Looking Ahead! A Tale of Adventure* (1892). A small community is founded after a shipwreck and directed along socialist lines, which is shown to be rather chaotic, inconsistent, and absurd. After a murder resulting out of jealousy occurs, it is first deemed that the killer 'had committed no legal offence'. However, when it was agreed that it could be seen as immoral by other standards, a tribunal is set up. It descends into absurdity, with the woman to whom the murderer's love is directed accused of being guilty for not returning it. He is subsequently found

¹⁷³ Henry Crocker Marriott Watson, *The Decline and Fall of the British Empire; or, The Witch's Cavern in Late Victorian Utopias*, 3, ed. by Gregory Claeys (London: Pickering & Chatto, 2009), pp. 59-217 (p. 99).

¹⁷⁴ Newte, *The Master Beast*, p. 93.

¹⁷⁵ *Ibid.*, p. 102.

¹⁷⁶ Frances Everett, *John Bull, Socialist* (London: Swan Sonnenschein, 1909), p. 172.

¹⁷⁷ *Ibid.*, pp. 167-8.

not guilty, and the society begins to fall apart.¹⁷⁸ An absurd society is depicted in Ernest Bramah Smith's *What Might Have Been: The Story of a Social War* (1907), where after socialism and universal suffrage had been introduced 'the power of the pauper criminal was no less than that of the ducal millionaire, and the alcohol lunatic, presenting himself at the poll between the spasms of *delirium tremens*, was as potent a force as the philosopher'.¹⁷⁹

The 1880s and 1890s also saw the growing presence of anarchist ideas in British sociopolitical discourse, accompanied by a fear of anarchist terrorism after a wave of political assassinations and public violence. Even Morris, sympathetic to some anarchist ideals and largely supporting, at least initially, its involvement in the Socialist League, lambasted 'the principles of anarchism' which can resort to 'promiscuous slaughter' as a means of propaganda.¹⁸⁰ Rather than seeing a number of groups or individuals use violence in their propaganda by deed, Morris saw the very *principles* of anarchism as terroristic. Similar to how 'socialism' was considered, pejoratively or not, as synonymous with 'utopianism', by the closing decade of the nineteenth century 'anarchism' was interchangeable with 'terrorism'. Unsurprisingly, the close relationship between crime and anarchism was found in the literary dystopian form. An anarchist uprising is depicted in Edward Douglas Fawcett, *Hartmann the Anarchist; or, the Doom of a Great City* (1893), and the revolutionaries are portrayed as bestial, lacking control of their emotions, 'marauders with their vilest passions unchained'. Mob violence takes over the political act of the siege, and men – revolutionaries or not – are seen terrorising women, robbing, and murdering.¹⁸¹ It is questioned if the anarchist revolutionaries might be constitutionally criminal, 'morally rotten', each fitting a criminal 'type'.¹⁸² Hartmann, the leader, is himself described in

¹⁷⁸ Alfred Morris, *Looking Ahead! A Tale of Adventure* (London: Henry & Co., [1892]), pp. 150-158.

¹⁷⁹ Ernest Bramah [Smith], *What Might Have Been: The Story of a Social War* (London: John Murray, 1907), p. 75. Republished as *The Secret of the League; The Story of the Social War* (London: Thomas Nelson and Sons, 1909).

¹⁸⁰ William Morris to James Tochatti, Hammersmith, December 12 1893 in *The Collected Letters of William Morris, Volume IV: 1893-1896*, ed. by Norman Kelvin (Princeton, NJ: Princeton University Press, 1996), p. 113.

¹⁸¹ E[dward]. Douglas Fawcett, *Hartmann the Anarchist; or, the Doom of a Great City* (London: Edward Arnold, 1893), pp. 173-4. First published periodically in *The English Illustrated Magazine* (June-September, 1893).

¹⁸² *Ibid.*, p. 82.

such terminology, with ‘a forehead physiognomists would have envied’.¹⁸³ It is such criminal passions that bring the end of the anarchist’s coup – Hartmann is overcome with a frenzied madness as he learns of his involvement in his mother’s death, and commits suicide, blowing up his airship with him and his crew on board. Hume Nisbet’s *The Great Secret. A Tale of To-Morrow* (1895) treats anarchists similarly. Dr. Fernandez, trying to create an anarchist colony, is presented as a mad scientist:

He was an enthusiast and poet in the art of murder and destruction. To be able to annihilate Europe—nay, the entire globe—with a single touch, leaving his own sympathisers unhurt as spectators, would be an achievement worthy of his brain if accomplished at the precise instant of his calculations.¹⁸⁴

After their many failures, the remaining anarchists are found at the end of the story as having abandoned their ideals of free, communal bliss, and have descended into savagery, sexual lust, and cannibalism.¹⁸⁵

Crime was a significant theme in the literary socialist utopias of late nineteenth- and early twentieth-century Britain. Simultaneously projecting moralised socialist spaces and inhabitants whilst critiquing the immoral societies in which they were composed, they continued the genre’s historical trend of speculating the methods by which the problem of crime and criminality could be solved. Generally following the approaches seen in More’s imagined society, these utopias emphasised how crime was ineradicably tied to the inequitable systems of property and wages. Such causes, however, were often framed by the newly emergent sociobiological theories of criminology. The abolition of capitalism, along with the diseased environments it created, is shown to cure the physiological afflictions that such a system had caused, remedying the debauched and degenerated moral and mental faculties of individuals that had once made them criminal. Yet with such vast moral improvement, immoral behaviour in utopia was a cause for serious concern. Those that continued to threaten society with their anti-social conduct – a category that would be extended to mere

¹⁸³ Ibid., p. 79. Physiognomy – the assessment of an individual’s character based on their appearance – and the concept that one’s mental faculty and character could be observed on one’s head as seen in phrenology were both utilised by Lombroso in his criminological studies, which became a main point of attack for his critics.

¹⁸⁴ Hume Nisbet, *The Great Secret. A Tale of To-Morrow* (London: F. V. White, 1895), p. 73.

¹⁸⁵ Ibid., pp. 161, 251-2.

idleness and disease – could not be excused as products of poor environments. Whilst this could, as in Thomson's *A Prospectus of Socialism*, result in more humane attempts to reform the 'natural failing' of the criminal, solving the problem of crime would commonly be a matter, to use the phrase found in *A Thousand Years Hence*, of the 'extirpatory method'. Removing the criminal for the protection of the community and the state would be accomplished through indeterminate detention, exile, and death, and eugenic schemes would sometimes be employed to protect future generations from congenital criminality.

Eugenic schemes as a measure against the criminal are also found in the direct or satirical critiques in the anti-socialist dystopia, but attacks on socialism in this genre were more commonly found to follow two opposing lines. Socialism would largely lead to chaotic and inadequate attempts to tackle crime, seen in confused judicial systems or disordered social institutions that encouraged the free reign of immoral tendencies. Alternatively, it would create strict and authoritarian societies, wherein the rights of the collective or the state would lead to the excessive criminalisation of individuality or the diminution of one's will, resulting in the inability to subdue any anti-social feelings. Such assaults were indicative of contemporary criticism of socialist politics as a whole. Indeed, they are found within the camp of socialism itself. The advocates of state socialism would censure anarchists on the grounds of chaos and disorder, whilst anarchists would return such opprobrium with the claim that any state-system would lead to despotic rule.

Chapter Two: H. G. Wells

Humanity has set out in the direction of a more complex and exacting organization, and until, by a foresight to me at least inconceivable, it can prevent the birth of just all the inadaptable, useless, or merely unnecessary creatures in each generation, there must needs continue to be, in greater or less amount, this individually futile struggle beneath the feet of the race; somewhere and in some form there must still persist those essentials that now take shape as the slum, the prison, and the asylum.¹⁸⁶

H. G. Wells, 'Anticipations. III.—Developing Social Elements' (1901)

No other text by Wells has incited fiercer criticism – criticism that has continued from the time of publication to the present day – than has *Anticipations*, his infamous inquiry into humankind's social and political conduct. Within this work was the detailed topography of the 'New Republic', Wells' imagined state-system of the future. It is on his treatment of such contentious matters of social reform as the question of population growth, the reach of the state, and individual freedoms that Wells has, in the main, been questioned; his advocacy of eugenic policies and social engineering the primary accusations of his interrogators. Criticism which falls within this domain ranges from discontented contemporary opinion that Wells had not apportioned enough blame on women in matters of 'unqualified' childbirth¹⁸⁷ to tenuous connections made in recent years between Wells and 'the Hitlers, Stalins and other evil-doers' in human history.¹⁸⁸ Though there can be found some serious shortcomings in both the original and recent charges made against these texts, many of the immediate objections – to which Wells was quick to reproach as misreadings – displayed contemporary concerns surrounding sociobiological questions on matters such as childbirth, the urban poor, and crime. For as Wells wrote a history for his predicted future state and society, his prophetic state-cartography included the identification, punishment, and rehabilitation of the criminal.

¹⁸⁶ H. G. Wells, 'Anticipations. III.—Developing Social Elements', *Fortnightly Review*, 69, 414 (1901), 1104-21, p. 1111.

¹⁸⁷ [Anonymous], '“Anticipations” of the reaction of mechanical and scientific progress upon human life and thought', *Saturday Review of Politics, Literature, Science and Art*, 92 (Nov 23, 1901), 652-653.

¹⁸⁸ Michael Coren, *The Invisible Man: The Life and Liberties of H.G. Wells* (Bloomsbury: London, 1993), p. 11.

Mankind in the Making and *A Modern Utopia* have been interpreted as Wells' attempts to move away from some of the positions expressed in *Anticipations*.¹⁸⁹ Though there are clear differences between the texts, which will not be ignored, I will emphasise specific areas of consistency on the matters of crime and anti-social behaviour. In particular, Wells was continually troubled by determinist theories, which would unsettle his support for eugenic intervention to remove the criminal threat of society's 'undesirables'. His approach was to emphasise the complexity of criminal causation whereby one falls victim to a combination of biological and environmental forces. Such a view, straddling the biological explanation of crime proffered by Lombroso and his followers and the sociological one presented by Lacassagne and the 'social milieu' school, dismissed monocausal determinist ideas on crime in favour of those which stressed the elastic notions of tendency and predisposition: the criminal, like any individual, was moulded by both his biology and his environment in tandem. This position, also occupied in varying degrees and ways by Ellis, Kropotkin and Carpenter, allowed Wells to answer questions on crime by both proposing pragmatic sociopolitical reform, such as in the areas of child care and rehabilitation for young offenders, as well as speculating on new biological theories that constructed the object of the criminally predisposed body and professed its cure. Such a malleable approach would expectedly lead some – contemporaries and historians alike – to misinterpret his ideas.

This tension in Wells' criminological discourse, between the biological and the social, which forms much of his stance towards crime and criminality, has been touched upon, albeit from a slightly different angle, by Frank McConnell, as he considers Wells' dilemma, evident in his science fiction, with the dichotomy of Darwinism and individual willpower, presenting the concerns within the context of Victorian and Edwardian uncertainties of the modern condition.¹⁹⁰ John Partington's recent work on Wells' statecraft, *Building Cosmopolis: The Political Thought of H. G. Wells* (2003), has provided a fresh approach to the relatively neglected area of the novelist's sociopolitical thought considered in its global historical context, much needed since W.

¹⁸⁹ The most thorough account of the discontinuities between these texts can be found in John S. Partington, *Building Cosmopolis: The Political Thought of H. G. Wells* (Aldershot: Ashgate Publishing, 2003), pp. 49-64.

¹⁹⁰ Frank McConnell, *The Science Fiction of H. G. Wells* (Oxford: Oxford University Press, 1981), pp. 9-11, 64, 184.

Warren Wagar's 1961 publication *H. G. Wells and the World State*.¹⁹¹ Partington's views on Wells' aforementioned trilogy will be scrutinised in this chapter, particularly his reading whereby Wells hurriedly revised his positions made in *Anticipations* after receiving a barrage of negative criticism. Richard Nate's 2009 paper 'Discoveries of the Future' is an apt examination of Wells' varying approaches to the question of eugenics, but by placing Wells into an intellectual culture that 'favoured heredity above the environment as the shaping force of man's identity' the author, at times, reduces Wells' commitments to reforming social institutions and practices as secondary to his belief in the normative function of the natural sciences.¹⁹² Whilst Justin Busch (2009) has provided a thorough exposition into Wells' varied philosophical roots, he treats him as possessing a single, coherent oeuvre, which leads to Wells' writing not being sufficiently situated within particular historical settings.¹⁹³ An excellent example of scrutinising his thought as it developed through time is found in Robert M. Philmus and David Y. Hughes' (1975) edited collection of Wells' scientific articles, reviews and fictions of the 1880s and 1890s.¹⁹⁴

Crime and the criminal in Wells' *Fortnightly Review* trilogy and early sociobiological thought

At the beginning of the twentieth century, Wells took a slight deviation away from his scientific romances and journalism in sociobiology to consider what changes awaited the world over one hundred years thenceforth. The writing of *Anticipations. An Experiment in Prophecy* began in 1900 and the text was completed in the second half of 1901. Publication commenced before completion of the text, and beginning in April

¹⁹¹ Partington, *Building Cosmopolis*. Also see Partington, 'H. G. Wells: A Political Life', *Utopian Studies*, 19, 3 (2008), 517-76. W. Warren Wagar, *H. G. Wells and the World State* (New Haven: Yale University Press, 1961).

¹⁹² Richard Nate, 'Discoveries of the Future: Herbert G. Wells and the Eugenic Utopia' in *Futurescapes: Space in Utopian and Science Fiction Discourses*, ed. by Ralph Pordzik (Amsterdam: Rodopi, 2009), pp. 79-109 (p. 87).

¹⁹³ Justin E. A. Busch, *The Utopian Vision of H. G. Wells* (Jefferson and London: McFarland & Co., 2009). For an example of needing to read Wells' writing within very specific chronological boundaries, his conversion between 1894 and 1896 from a predominantly Lamarckian belief in hereditary influences to accepting August Weismann's germ-plasm theory significantly affected his approach to biosocial matters.

¹⁹⁴ Robert M. Philmus and David Y. Hughes, 'Introduction' in *H. G. Wells: Early Writings in Science and Science Fiction*, ed. by Philmus and Hughes (Berkeley: University of California Press, 1975), pp. 1-12.

1901 chapters were printed in the *Fortnightly Review* in monthly instalments until the series' conclusion in December.¹⁹⁵ Opening with somewhat conservative forecasts of the twentieth century, Wells discussed in April the emerging technologies in travel and in May the newly mobile populations' redistribution and city growth.¹⁹⁶ In June, however, Wells repositioned his focus from the changing structures of the physical world to the imagined infrastructural contours of the coming society. His categories of the social classes of the future reveal how he categorised the social classes of his present, and society was divided into four sections, comprised of the irresponsible property owners, the inefficient urban poor, the growing body of more or less productive workers (epitomised by the educator and engineer), and the body of non-productive workers (such as the broker and the agent). Showing disdain for all but the productive class – that to which he belonged – Wells was particularly dismissive of the poor, describing this segment of society as being largely comprised of individuals who are 'criminal, immoral, parasitic', and essentially commenced an attack on those he deemed unsuitable or too unfit to be part of humankind's development; an attack which was to continue throughout the *Fortnightly Review* trilogy.¹⁹⁷ He assigned to the members of this group a number of defining characteristics which emphasise their accountability and futility: their enrolment to the class is caused by their recklessness, weakness, and failure, and they are considered 'inadaptable, useless, or merely unnecessary'. Wells continued his deprecatory trinity as he allocated their deserved surroundings in the slums, prisons, and asylums, insisting that the urban poor, the criminal, and the madman were largely synonymous.¹⁹⁸

¹⁹⁵ The book was published at the end of 1901 as *Anticipations of the Reaction of Mechanical and Scientific progress upon Human Life and Thought*. Cited, however, are the original *Fortnightly Review* articles. Any relevant idiosyncrasies will be referred to in the text. The same applies to *Mankind in the Making* and *A Modern Utopia*, published as books in 1903 and 1905 respectively. David Hughes and Robert Philmus describe the evidence for dating *Anticipations* as 'scanty', but nevertheless trace the start of its composition to the beginning of 1900. See David Y. Hughes and R. M. Philmus, 'Dating H. G. Wells', *Science Fiction Studies*, 27, 2 (2000), 376-77.

¹⁹⁶ H. G. Wells, 'Anticipations. An Experiment in Prophecy. I.—Locomotion in the Twentieth Century', *Fortnightly Review*, 69, 412 (1901), 747-60; 'Anticipations. II.—The Probable Diffusion of Great Cities', *Fortnightly Review*, 69, 413 (1901), 925-38.

¹⁹⁷ H. G. Wells, 'Anticipations. III.—Developing Social Elements', 1110. Wells was criticised by Joseph Conrad for this very sort of self-assured elitism, the latter asserting that he should not be 'dropping fishing lines for particular trout but casting a wide and generous net, where there would be room for everybody'. Joseph Conrad, *Joseph Conrad: Life & Letters*, 1, ed. by G. Jean-Aubry (London: Heinemann, 1927), p. 328. Problematically, this letter has been misdated by Jean-Aubry and later scholars. Norman and Jeanne Mackenzie, followed by Partington, incorrectly revise Jean-Aubry's dating of the letter and conclude that Conrad was referring to *Anticipations*. Such matters will be discussed later in this chapter.

¹⁹⁸ Wells, 'Anticipations. III.—Developing Social Elements', pp. 1111.

Before Wells set out how these ‘People of the Abyss’, as he named them, would be dealt with by the future state, he addressed what he considered to be the current ill-informed panic over the supposedly swelling ranks of the unfit:

Since this class was not apparent in masses in the relatively static, relatively less eliminatory, society of former times, its appearance has given rise to a belief that the least desirable section of the community has become unprecedentedly prolific, that there is now going on a “Rapid Multiplication of the Unfit.” But sooner or later, as every East End doctor knows, the ways of the social abyss lead to death, the premature death of the individual, or death through the death or infertility of the individual's stunted offspring, or death through that extinction which moral perversion involves. It is a recruited class, not a breeding multitude.¹⁹⁹

Through the laws of natural selection, as Wells saw it, those men and women who fell behind the physiologically, mentally, and socially ‘fitter’ members of the species tended towards extinction. Even the shelter of the modern welfare state or the hand of charity was not enough to prevent the viciousness of the evolutionary process, for ‘[w]hatever expedients may be resorted to, to mitigate or conceal the essential nature of this social element, it remains in its essence wherever social progress is being made, the contingent of death’.²⁰⁰ As is later shown to be a consistently held position of Wells, before the time came when society could intervene on the side of nature with the authority of scientific truth on its side, biological evolution alone would decide the fate of individuals. As such, the distinct gap between the failures and the successes of society would remain, undesirables would continue to be ‘renewed’ just as they would continue to perish, and the ascendant classes would have to proclaim that ‘there must needs continue to be, in greater or less amount, this individually futile struggle beneath the feet of the race’.²⁰¹

The following four monthly chapters respectively concerned social relations, the demise of inadequate democracy, war, and the homogenisation of languages.²⁰² ‘The Larger Synthesis’, the penultimate chapter printed in November, closed with

¹⁹⁹ Ibid. pp. 1110-1111.

²⁰⁰ Ibid. p. 1111.

²⁰¹ Ibid.

²⁰² The chapters were as follows: ‘Anticipations. IV.—Certain Social Reactions’, *Fortnightly Review*, 70, 415 (1901), 170-88; ‘Anticipations. V.—The Life-History of Democracy’, *Fortnightly Review*, 70, 416 (1901), 355-70; ‘Anticipations. VI.—War in the Twentieth Century’, *Fortnightly Review*, 70, 417 (1901), 538-54; ‘Anticipations. VII.—The Conflict of Languages’, *Fortnightly Review*, 70, 418 (1901), 725-38.

Wells' revision of Plato's utopian state-system as he introduced the New Republic, the future society which would be governed by scientific law and bound by an ethical order espousing broadly socialist principles.²⁰³ The score of these codes was to conclude the series, and within 'The Faith, Morals, and Public Policy of the New Republic' Wells allocated considerable space to the identification, punishment, and rehabilitation of those who would be classified by the newly-ascendant society as 'criminal'.²⁰⁴

Wells began the article with an epigraph, citing Scottish physician George Archdall Reid (1860-1929): 'If we do it not quickly and with mercy, Nature will do it slowly and with infinite cruelty'.²⁰⁵ This quote is to be found in *Alcoholism: A Study of Heredity* (1901), wherein Reid advocated, in opposition to the British temperance movement's proposed reforms, the prohibition of procreation for alcoholics.²⁰⁶ Wells had recently discussed this text in a review printed in *The Morning Post*, and he went on to explore Reid's views more thoroughly in *Mankind in the Making* the following year.²⁰⁷ Both critiques, and their significance, will be addressed later in this chapter. The epigraph, however, introduced Wells' assertion that the New Republicans of the future, in possession of irrefutable scientific evidence, would undoubtedly use such knowledge to aid the 'natural' order of existence, and reduce the suffering it wrought. For, unlike their predecessors, whose incomplete, 'experimental' science forced them to leave many matters to follow an unimpeded course, they would use artificial selection in concert with natural selection so as to abate unnecessary misery of those *undeniably* destined for a torturous existence and death. As will be shown in this chapter, Wells would maintain such a position throughout the trilogy. The New Republicans would not be swayed by the eschatological determinations of right and wrong, but would know themselves to be free-willed and morally responsible for upholding the world-state's ethical system, a system which would 'favour the procreation of what is fine and efficient and beautiful in humanity' and 'check the procreation of base and servile types, of fear-driven and cowardly souls, of all that is

²⁰³ H. G. Wells, 'Anticipations. VIII.—The Larger Synthesis', *Fortnightly Review*, 70, 419 (1901), 911-26.

²⁰⁴ H. G. Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', *Fortnightly Review*, 70, 420 (1901), 1063-82.

²⁰⁵ *Ibid.*, p. 1063. The epigraph was not included in subsequent publications.

²⁰⁶ G. Archdall Reid, *Alcoholism: A Study in Heredity* (London: T. Fisher Unwin, 1901). See in particular pp. 167-172. For Reid's ideas on alcoholism and eugenics, see Mark C. Russell, 'Heredity and the Human Condition: A Study of 20th-Century Genetic Accounts of Alcoholism' (unpublished PhD, Virginia Polytechnic Institute and State University, 2002), pp. 56-78.

²⁰⁷ H. G. Wells, 'The Temperance Question', *Morning Post* (21 Nov., 1901), 2 (p. 2).

mean and ugly and bestial in the souls, bodies, or habits of men'.²⁰⁸ Their reconstructed code would be largely based on the theory and practice of negative eugenics, criminalising the conception of children who, as proven by the new science of biological inheritance, would suffer from physical or mental disease. The members of the New Republic would consider capital punishment as the appropriate measure against those who positively ensured their children's lives would be wrecked with disease or disorder; individuals whose insanity was indisputably inheritable, Reid's habitual drunkards, and those with transmissible diseases, would all be prohibited from parentage.²⁰⁹ Accordingly, the suicide of such individuals would cease to be regarded as a criminal act, but seen as a dutifully courageous one, whilst the pleas of insanity would not excuse criminals but enhance their guilt.²¹⁰ But punishment in the New Republic would not result in bodily pain, unless the crime was violent conduct, particularly that perpetrated by men against women and children. The suffering afflicted in 'deterrent punishments' would be 'good scientifically caused pain' leaving 'nothing but a memory' and the death penalty would be delivered by the opiate.²¹¹ The system of punishment in general – incarcerative, corporal, or mental – would in fact be disfavoured by the New Republicans, as those positioned to mete out such cruelties – the prison officials and asylum nurses – would become demoralised, their good natures debased.²¹²

Anticipations was a commercial and critical success, and Wells finally found himself firmly situated amongst the scientists and 'thinking men' of the literary world, cementing his new position by presenting scientific ideas of the future to his intellectual peers at the Royal Institution's Friday Evening Discourse of January 1902.²¹³ Understandably, Wells continued with his new social-scientific programme of futurology. After cataloguing a 'future with a history' in *Anticipations*, Wells embarked on a new series of work to postulate how society could begin its path to the New Republic – by and large, observing his prophetic system by expressing contemporary problems through the lens of immediately-possible reform. *Mankind in the Making*,

²⁰⁸ Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', p.

²⁰⁹ *Ibid.*, p.

²¹⁰ *Ibid.*, p. 1073.

²¹¹ *Ibid.*, p.

²¹² *Ibid.*, pp. 1073-1074

²¹³ The invitation came before *Anticipations*, in 1899, and should be interpreted as a result of both Wells' success in his scientific romances, and of his rather plentiful papers in the biological sciences of the 1890s. For such texts see Philmus and Hughes, *H. G. Wells: Early Writings*.

again printed in the *Fortnightly Review* over the course of a year starting in September 1902, outlined the achievable educational, cultural, and sociopolitical reorganisation of the state, the necessary reforms for humankind's transition to the future.

Discussion of crime and the criminal is first taken up in the second instalment, printed in October. In this article, subtitled 'The Problem of the Birth Supply', Wells provided a critique of Francis Galton (1822-1911) and Victoria Woodhull Martin's (1838-1927) advocacy of selective breeding.²¹⁴ Although he clearly considered their eugenic principles to be the ideal approach to creating the utopia of the New Republic, Wells reiterated the point he made in *Anticipations* that without indisputable scientific evidence there could begin no such programme, for 'one is immediately confronted by almost as complex an entanglement of difficulties in defining points to breed out as one is by defining points to breed for'.²¹⁵ He made it clear, however, that he was more inclined to think that the prevention of procreation for some individuals possessing undesirable traits was, of the two options, far more likely to become a possibility in light of contemporary scientific understanding.²¹⁶ Nonetheless, following what reads as a working-through of his ideas, Wells concluded that, despite the fine work of British scientists, such as that of Ellis, research into heredity must continue before a programme of selective procreation could be adopted. The particular conditions he considered (and subsequently dismissed) as the possible reasons for preventing parentage should come as no surprise: those whose criminality, alcoholism, or insanity might be transmissible to their offspring.

First discarding the 'stupidity' of Lombroso's born criminal, Wells made it clear that 'criminality' is a condition too complex to prohibit parentage, and John Bradford's (1510-1555) famous acknowledgement to the position of the criminal – 'There, but for the grace of God, go I' – could still be uttered in modern society.²¹⁷ Although Wells *does* determine that 'certain criminal (or at any rate disastrous) tendencies' are possibly inheritable – alcoholism and insanity – he is again resigned to concede, after engaging with Reid's hereditary drunkard and, more dismissively,

²¹⁴ Galton was the pioneer of eugenics, and consistently professed that through the scientific method practices of procreation could be altered to the benefit of the congenital quality of the race. For a comprehensive interpretation of Galton's ideas on heredity and evolution see Michael Bulmer, *Francis Galton: Pioneer of Heredity and Biometry* (Baltimore, MD: The Johns Hopkins University Press, 2003). Woodhull-Martin was an American activist for women's rights who supported the theory of eugenics in furthering the suffragist cause. See fn. 247 below.

²¹⁵ H. G. Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', p. 712.

²¹⁶ *Ibid.*

²¹⁷ *Ibid.*, pp. 712-714.

Nordau's madman, that knowledge in these matters was not yet sound.²¹⁸ The closest Wells got to supporting an active programme of criminalising parentage is with regard to hereditary disease:

If in any case we are in a position to intervene and definitely forbid increase, it is in the case of certain specific diseases, which I am told are painful and disastrous and inevitably transmitted to the offspring of the person suffering from these diseases. If there are such diseases – and that is a question the medical profession should be able to decide – it is evident that to incur parentage while one suffers from one of them or to transmit them in any avoidable way, is a cruel, disastrous and abominable act. If such a thing is possible it seems to me that in view of the guiding principle laid down in these papers it might well be put at the nadir of crime, and I doubt if any step the State might take to deter and punish the offender, short of torture, would meet with opposition from sane and reasonable men.²¹⁹

Taking these comments as they are, such hopes are not to be seen in the light of negative eugenics, but that of euthanasia. Clearly finding the conception of an assuredly-diseased child detestable, Wells admitted that he would follow any statement made by the medical profession on such matters.²²⁰ However, lamented once again are the limits of contemporary scientific knowledge, and Wells sullenly concluded his article: 'For the rest of these papers we shall take the births into the world, for the most part, as we find them'.²²¹

Wells' following instalment, then, concerned the matter of child welfare, and he details the lengths to which the state could possibly start to ensure responsible parenting, and to criminalise neglect. This would, Wells hoped, not only protect the child who was born to the unfit parent, but could also deter those from parentage altogether.²²² His proposals for the punishment of those who failed to provide for their children up to their teenage years adequate clothing, food, education and care extended

²¹⁸ Ibid., pp. 714-718. Nordau's 1892 text *Degeneration*, widely read and reviewed in Britain, superimposed the biological concept of evolutionary reversion, whereby individuals exhibit characteristics of their primogenitors, to modern art and literature, widely criticising all those who focused on depraved subjects as being themselves mentally and morally degenerate. See Hans-Peter Söder, 'Disease and Health as Contexts of Modernity: Max Nordau as a Critic of Fin-de-Siècle Modernism', *German Studies Review*, 14, 3 (1991), 473-487; and Pick, *Faces of Degeneration*, pp. 23-27.

²¹⁹ Wells, 'Mankind in the Making II.—The Problem of the Birth Supply', p. 718.

²²⁰ Ibid.

²²¹ Ibid., p. 722.

²²² H. G. Wells, 'Mankind in the Making III.—Certain Wholesale Aspects of Man-Making', *Fortnightly Review*, 72, 432 (1902), 1078-97.

those found in the 1889 Prevention of Cruelty Act. The child would be cared for by the state until a teenager, during which time the parents would be made to make maintenance payments. Those unable to uphold their payments would be placed in ‘celibate labour establishments’ until their debts were repaid through work. Wells made a final point by stipulating that such laws would most suitably target the recklessness of the habitual drunkard.²²³ Although Wells’ punitive guidelines regarding parentage were strict, he also maintained that the state was similarly responsible for providing better care to its citizens, for better socioeconomic conditions would improve social conduct, and a national minimum wage would reduce the extent of child neglect. Such welfare proposals had a darker side to them, however, and Wells made it clear that once economic conditions were raised, those who remained out of work would merely serve to prove what he believed to be true: that their unemployment was due to their ‘real incapacity in character, strength, or intelligence for efficient citizenship’.²²⁴ This line of thinking is reminiscent of that found in Hayes’ *The Great Revolution of 1905*, as discussed in Chapter One, whereby a sociological criminology posits that if crime is largely determined by unemployment and poverty, the alleviation of such social ills would leave no justification for subsequent offending. For Wells, as with Hayes, guaranteeing the social well-being of citizens would leave no excuse for those who remained in the ‘Abyss’, and the state’s punitive measures – in Wells’ case that of prohibited procreation and forced labour – would be undeniably warranted.

Concluding the *Fortnightly Review* trilogy, Wells returns to his novel writing. Although *A Modern Utopia*, printed monthly from October 1904 to April 1905, was, like its two predecessors, an attempt in reconstructing the ethical system of the present, the fictional narrative arguably provided Wells more space for experiment, and the state cartography was sketched through the observations and discussion of the two protagonists, the Owner of the Voice and his companion the botanist. In the second paper of the series, ‘Concerning Freedoms’, Wells introduced the reader to the matters of crime in Utopia by returning, once again, to the ‘Drink Question’. The Owner of the Voice describes how strict licensing laws help maintain order, and excessive public drunkenness would be, he ominously states, ‘dealt with in some very drastic

²²³ Ibid., p. 1091.

²²⁴ Ibid., p. 1095.

manner'.²²⁵ Just as Wells anticipated that the New Republicans would find an individual's insanity to exaggerate rather than diminish guilt, drunkenness in Utopia is treated in the same way.²²⁶ In this discussion of alcohol and public order, Wells briefly repeats his concern – introduced in *Anticipations* – of the uncertain psychological effects endured by judicial officers, which, as it comes to light in the ninth chapter, happens to be the area of study of the Owner of the Voice's double.²²⁷

Describing the 'failures' of Utopia in the fifth instalment, Wells again grouped together the criminal, the insane, the drunk, and the congenitally diseased, and continued to pour scorn on the 'useless' idiot, the homeless and the unemployed. As Wells warned in *Mankind in the Making*, there would be no excuse for this second group of individuals in Utopia once the state had vastly improved socioeconomic conditions. They would be provided work that was 'toilsome, but not cruel or incapacitating', and whilst in such service they would, like the criminals of Wells' two preceding texts, remain childless. But for the first group of individuals, the state of Utopia would be compelled to act more forcefully. The words ring with familiarity:

So soon as there can be no doubt of the disease or baseness of the individual, so soon as the insanity or other disease is assured, or the crime repeated a third time, or the drunkenness or misdemeanour past its seventh occasion (let us say), so soon must he or she pass out of the common ways of men.²²⁸

As mentioned above, Wells' fictional narrative provided more space for experiment. It certainly provided a vast amount of geographical space which Wells utilised in his treatment of these criminals. The world-state of *A Modern Utopia* would not resort to killing these individuals (again referenced are the psychologically-debasing effects on those officials implementing such powers), although the sparing of life would not be granted to all, and it is resolutely predicated that 'Utopia will kill all deformed and monstrous and evilly diseased births'.²²⁹ It is not clarified as to whether such killing would be part of a eugenic programme or merely as 'benevolent' euthanasia. Showing

²²⁵ H. G. Wells, 'A Modern Utopia. Chapter the Second. Concerning Freedoms', *Fortnightly Review*, 76, 455 (1904), 928-46, p. 944.

²²⁶ *Ibid.*

²²⁷ *Ibid.*, pp. 943-4 ; H. G. Wells, 'A Modern Utopia. Chapter the Eighth. My Utopian Self', *Fortnightly Review*, 77, 459 (1905), 554-87 (p. 568).

²²⁸ H. G. Wells, 'A Modern Utopia. Chapter the Fifth. Failure in a Modern Utopia', *Fortnightly Review*, 77, 457 (1905), 168-87 (p. 172)

²²⁹ *Ibid.*, pp. 172-173.

itself to be merciful to the criminal, however, the state would attempt to rehabilitate the first-time and young offenders in ‘disciplinary schools’, clearly inspired by the modern Borstal and American State Reformatory institutions.²³⁰ But for the more hardened criminal, the state would insist upon expulsion, and islands – places of celibacy, of course – would become their permanent domicile, wherein the criminal could enjoy ‘just as full a liberty as they can have’.²³¹ These islands of segregation were not the only new addition to Wells’ criminological discourse. A global index of fingerprints or other physical characteristics, modelled upon the work of Galton and Alphonse Bertillon, would include criminal convictions and ‘legally important diseases’, and be used for individuals’ identification and analysis (regarding questions, for instance, of spouse suitability).²³²

Continuity and discontinuity in Wells’ writing on crime and punishment

Before placing these views on crime amongst those found in other texts of both Wells and his contemporaries, and situating them in their cultural and historical settings, some discussion of John Partington’s treatment of the *Fortnightly Review* trilogy is necessary. Partington’s 2003 study *Building Cosmopolis: The Political Thought of H. G. Wells*, along with his quite staggeringly voluminous output of other texts on the author, has secured his position as one of the leading Wellsian scholars, and perhaps the leading when it comes to Wells’ sociopolitical outlook. In his portrayal of the three texts in question, Partington finds a clear *revision* of Wells’ views that took place after the publication of *Anticipations*, a stance which runs contrary to the contention found in this chapter.²³³ Though he does not deal solely with those views of Wells concerning crime, the subject matter he scrutinises is largely the same as that covered here.

²³⁰ Ibid., p. 172.

²³¹ Ibid., p. 173.

²³² Ibid., p. 183; H. G. Wells, ‘A Modern Utopia. Chapter the Sixth. Women in a Modern Utopia’, *Fortnightly Review*, 77, 458 (1905), 348-80 (p. 365).

²³³ Partington, *Building Cosmopolis*, pp. 49-64. Other scholars have since assumed Partington’s position. For instance, Gregory Claeys, citing Partington, reasserts this interpretation, stating: ‘Yet Wells, evidently after a thoughtful scrutiny of the scientific evidence, then backed away rapidly from this concept of eugenics. Wells by 1905 had moved a considerable distance from the positions assumed in *Anticipations*, though eugenics remained essential to his thinking’. Gregory Claeys ‘General Introduction: The Reshaping of the Utopian Genre in Britain, c. 1870-1900’ in *Late Victorian Utopias: A Prospectus*, 1, ed. by Claeys (Pickering & Chatto, 2009), pp. ix-xxxv (p. xxii).

Partington's argument is twofold. First, he provides his own reading of the texts, finding dissimilarity in Wells' treatment of the individual in *Anticipations* compared to that in *Mankind in the Making* and *A Modern Utopia*; such an interpretation clearly conflicts with the one articulated in this chapter, which follows this section on Partington. Second, he contends that Wells was forced to revise the assumed positions in *Anticipations* after he had 'received a barrage of negative criticism in mainstream and specialist journals as well as from his personal associates'.²³⁴ Partington provides the following sources as examples of such criticism, his reading of which appears to be somewhat faulty. The sources are hereby treated in the same order as that selected by Partington.

The anonymous *Daily Telegraph* critic, reviewing *Anticipations* on 14 November 1901, did indeed write 'disapprovingly', but also with considerable applause, stating admiration for 'the scathing, biting satire which Mr. Wells uses with magnificent effect; the brilliant suggestiveness and fertility of his ideas; the closeness of his reasoning, and the audacity of his imaginings'.²³⁵ Partington's use of J. E. Hodder Williams' quote 'it irritates, it exasperates, it offends' from his review in *The Bookman* (1901) is somewhat contextually misplaced when the comment is clearly aimed at Wells' derogatory descriptions of educationalists, soldiers, and publishers, the defence of whom takes up the majority of the reviewer's critique.²³⁶ Hodder Williams did not specifically comment on Wells' 'murderous' policies, as Partington terms them, only mentioning at the close of the review that there is 'neither space nor inclination for a discussion of Mr. Wells's anticipations of the religion and morals of the future' and he is clearly uncomfortable with the author's portrayal of the 'new man', finding him alien; 'nothing more than a machine, with steel springs for a heart'.²³⁷ Though this can be typified as 'negative criticism' it does not appear robust enough – nor specifically directed at the eugenic principles espoused by the New Republicans – to imagine it being the cause of a reassessment by Wells of his ideas as suggested by Partington. But more damaging to his argument are the three examples which he suggests are 'more significant' in bringing about Wells' 'volte-face'. First, Partington uses a critical letter Wells received from his friend, the author Joseph Conrad (1857-1924), wherein cutting

²³⁴ Partington, *Building Cosmopolis*, p. 52.

²³⁵ [Anonymous], 'Anticipations', *Daily Telegraph* (14 Nov. 1901), p. 11.

²³⁶ J. E. Hodder Williams, 'Provocations by H. G. Wells', *The Bookman* (Dec. 1901), 91-92 (p. 91).

²³⁷ *Ibid.*, p. 92.

remarks are aimed towards, it is assumed, *Anticipations*. Partington considers the letter to be written in 1901 and not, as the early biographer and friend of Conrad Jean-Frédéric-Emile Aubry asserted, 1904.²³⁸ However, the dating of this letter had been revised in 1985 by the late Conrad expert Martin Ray, who showed beyond reasonable doubt that it was written in late September 1903 and, in fact, concerns *Mankind in the Making*.²³⁹ Furthermore, in the fourth edition of *Anticipations* published in 1902, Wells added a note to the end of the first chapter, whereby he mentions the high-speed transport suggestions of ‘my friend Mr. Joseph Conrad’.²⁴⁰ He makes no revision of the text, nor does he mention any such suggestion or criticism from Conrad, in this edition’s final chapter. Secondly, Partington’s use of the Webb’s’ criticism of Wells’ *Anticipations* is somewhat undermined both by Sidney Webb’s naming of it in *The Academy* at the close of 1901 as one of his two favourite books of the year²⁴¹ and, in the same month, Beatrice Webb’s diary entry where she describes it as ‘[t]he most remarkable book of the year: a powerful imagination finished with the data and methods of physical science, working on social problems’. Her criticism is not, as Partington suggests, a sympathetic, humanitarian defence of the poorer strata of society, but instead assumes an ideological critique based on organisation, whereby she contends that Wells’ understanding of a well-functioning social collective and the ‘machinery of government’ is maligned by his disregard for manual and administrative workers.²⁴² In 1914, reflecting on the first edition of *Anticipations*, Wells reiterates this as the reason for their antagonism:

Their essential criticism of *Anticipations* was that it did not sufficiently recognize the need and probability of a specialized governing class, and they expounded to my instinctively shrinking intelligence that conception of a great bureaucracy which it has been their life-work to convey to the English intelligence.²⁴³

²³⁸ Joseph Conrad to H. G. Wells, Pent Farm, [1904] in *Joseph Conrad: Life & Letters*, 1, ed. by G. Jean-Aubry (London: Heinemann, 1927), pp. 328-9. Jean-Frédéric-Emile often used the aliases of Georges Jean-Aubry or Gérard Jean-Aubry. Partington appears to accept Norman and Jeanne MacKenzie’s revision of Aubry’s dating. See Norman and Jeanne MacKenzie, *The Time Traveller. The Life of H. G. Wells* (London: Weidenfeld and Nicolson, 1973), n. 7, p. 455.

²³⁹ Martin S. Ray, ‘Conrad to Wells: An Undated Letter’, *English Language Notes*, 23 (1985), 48-61.

²⁴⁰ H. G. Wells, *Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought*, fourth ed. (London: Chapman & Hall, 1902) p. 32.

²⁴¹ *Anticipations* was listed three times in total, with Edmund Gosse and Clarence Rook both echoing Sidney Webb’s appreciation. ‘Favourite Books of 1901’, *The Academy*, 61, 1544 (1901), 567-569.

²⁴² Beatrice Webb, *Our Partnership*, ed. Barbara Drake and Margaret I. Cole (London: Longmans, Green & Co., 1948), p. 226

²⁴³ Wells, *Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought*, eighth ed. (London: Chapman & Hall, 1914), p. vii.

The last example Partington uses in arguing that criticism of *Anticipations* led to a revision of Wells' ideas which were expressed in *Mankind in the Making* and *A Modern Utopia* is Frederick Webb Headley's review of the first book of the trilogy. Problematically, the article was printed on 29 December 1904, during the time *A Modern Utopia* was being published in the *Fortnightly Review*. Though this review predates the printing of Wells' discussion of punishing 'failure' in *Utopia*, a chapter which Partington uses as the exemplar of Wells' progression from *Anticipations*, it is only by four days, rendering the likelihood of any revision based on Headley's criticism of *Anticipations* being found in *A Modern Utopia* as slim to say the least.²⁴⁴ In any event, in writing a history of Wells' thought one could just as easily make a list of positive criticism – including reviews and letters from figures to whom Wells was close or whom he greatly admired, such as E. Ray Lankester (1847-1929), George Gissing (1857-1903), and Winston Churchill (1874-1965) – and claim such work was responsible for his consistency.²⁴⁵

It is contended, then, that Partington's sources do not reiterate his assertion of a post-*Anticipations* revision of ideas on the subject of crime and eugenics, and that in fact, as will be contended below, the *Fortnightly Review* trilogy and a number of other texts by Wells can be seen to form a rather consistent discourse in his thinking about crime. One should also respect the sentiment expressed in the 1914 preface to *Anticipations* wherein Wells reflects 'I am surprised to find how little there is in it that I would change were I to rewrite it at the present time', and that 'the "New Republic," and the attempt to define the social classes of the new age, is, I think, the most permanently valuable part of this book'.²⁴⁶ Furthermore, when discussing in *Mankind*

²⁴⁴ F. W. H[eadley], 'The Future of the Human Race', *Nature*, 71, 1835 (1904), 193-94. Headley had already by this point made himself known to be a staunch anti-socialist who considered any form of social evolutionary theory that did not base itself around the notion of laissez faire competition as ruinous. Wells would have possibly seen criticism to be politically oriented, and not concerned himself with it too much. For Headley's anti-socialist sentiment as applying to the subject of evolution, see F. W. Headley, *Problems of Evolution* (London: Duckworth & Co., 1900), pp. 275-78, 315.

²⁴⁵ E. Ray Lankester, 'The Present Judged by the Future', *Supplement to 'Nature'*, 65, 1689 (1902), iii-v. Gissing wrote a letter to Wells full of his praise for the book on 21 November 1901. George Gissing to H. G. Wells, Fourchambault, Nièvre, France, 21 November 1901 in *George Gissing and H. G. Wells, Their Friendship and Correspondence*, ed. by Royal A. Gettmann (London: Rupert Hart-Davis, 1961), pp. 195-198. Two days before this letter was written, Wells was responding to one from Winston Churchill, thanking Churchill for his nine-page letter, and was 'flattered & interested' by it. See H. G. Wells to Winston Churchill, Spade House, Sandgate, 19 November 1901 in *Correspondence of H. G. Wells*, 1, ed. by David C. Smith (London: Pickering & Chatto, 1998), pp. 457-458.

²⁴⁶ Wells, *Anticipations*, eighth ed., pp. vii, x.

in the *Making* Woodhull-Martin's views, Wells admits that he continues to believe in the theory of preventing the 'unfit' from procreating as a means to improve the standard of humankind, but that such *practice* was impossible and irresponsible given the limits of his generation's scientific knowledge.²⁴⁷ Defending this position in 1910 in a rejoinder to Caleb Saleeby's (1878-1940) comments that he had in the past advocated eugenic policies, Wells makes his stance clear:

To treat my statement that it is only by the sterilization of failures, i.e., the lack of offspring, that a species progresses, into an admission that types can now be distinguished for deliberate sterilization, shows a real ingenuity in misconception.²⁴⁸

This statement serves to highlight just how the conflicting interpretations of Wells' position on eugenics arise, and also introduces herein the *sine qua non* of his tenets on the subject. For Wells, though the principles of 'negative eugenics' would ensure the evolutionary progress of humankind, helping to pave the path to a utopian future, any concerted action undertaken at the time of his writing would be arbitrary, scientifically unsound, and unjust, as he consistently states in texts wherein he is required to make such comment.²⁴⁹

As stated earlier in this chapter, Wells introduced the reader of *Anticipations* to his views on crime and the criminal in his final instalment of the series. Those who the New Republicans would deem as unsuitable for twenty-first-century Britain were the same people who Wells deemed unfit at the beginning of the twentieth century, and are familiar faces in the study of Victorian crime, deviance, and almost any area to concern sociobiological thought in and around that period. He listed those with contagious diseases, hereditary mental illnesses, and the incurable desire for alcohol as the problem, and for whom criminal law will refuse propagation – the death penalty

²⁴⁷ Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', p. 706. Wells makes it clear that he held these sentiments even before the period of *The Humanitarian* (1892-1901), a progressive periodical with a particular focus on questions such as heredity, degeneration, and eugenics, edited by the avowedly pro-eugenics and women's rights activist Woodhull-Martin. See Solveig C. Robinson, 'Victoria Woodhull-Martin and *The Humanitarian* (1892-1901): Feminism and Eugenics at the Fin de Siècle', *Nineteenth-Century Gender Studies*, 6, 2 (2010). Accessed online at <<http://ncgsjournal.com/issue62/robinson.htm>> on 3 June 2014.

²⁴⁸ H. G. Wells, 'The Sham Science of Eugenics', *The New Age*, 7, 3 (1910), 71. The dispute began two weeks prior, when Saleeby accused Wells of leaping back and forth in support or opposition to eugenics: C. W. Saleeby, 'The Progress of Eugenics', *The New Age*, 7, 1 (1910), 2-4 (p. 4).

²⁴⁹ Years later, Wells' proviso of the need for scientific authority in such matters would wane. See pp. 89-91 below.

awaiting those who did not abide by these new codes of the future.²⁵⁰ Of course, it was Wells' belief that these 'types' were already descending towards extinction, without the need for any human intervention, despite all the 'nonsense' and 'uproar one hears about the Rapid Multiplication of the Unfit'.²⁵¹ Such a dismissal echoes Wells' 'common-sense man' in the original version of *The Time Machine* series (1894) who likewise does not believe in such a needless 'scare', and also the points he made in the 1896 article 'Human Evolution, An Artificial Process'.²⁵² However, though there may be no greatly expanding swarm of undesirables, the people of the New Republic would, Wells insists, hold the same principle of the instalment's epigraph: the 'unfit' could be 'benevolently' disposed of quickly through the scientific method, or else nature would do it slowly and cruelly. Whether or not Wells was taking an ironic stance on scientific principles informing contemporary social development, the policies of the New Republic would be ratified by scientific absolutes, and when it came to the eradication of the undesirable, habitual criminal, all of those tending toward extinction, Wells made this proviso quite clear:

[T]he men of the New Republic will hold that the procreation of children who, by the circumstances of their parentage, *must* be diseased bodily or mentally – I do not think it will be difficult for the medical science of the coming time to define such circumstances – is absolutely the most loathsome of all conceivable sins.²⁵³

Importantly, the emphasis is Wells' own. 'Hideous' habits and diseases had to be both 'indisputably' proven and diagnosed as 'incurable' before laws on sterilisation and capital punishment could be enacted. Wells had already articulated this position on the possibility of eugenic programmes before the New Republicans' capacity to kill had been described in this instalment of *Anticipations*. In his review of Reid's *Alcoholism* Wells largely agrees with the contention that there exists in some humans an inherited predisposition for the craving of alcohol which is transmissible to offspring. But Wells ultimately objects to Reid's conclusive proposals for the prohibition of procreation for

²⁵⁰ Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', p.1073.

²⁵¹ *Ibid.*, p. 1075.

²⁵² H. G. Wells, 'The Sunset of Mankind', *The National Observer* (28 Apr., 1894), 606-08 (p. 607); *idem*, 'Human Evolution, an Artificial Process', *Fortnightly Review*, 60, 358 (1896), 590-95.

²⁵³ Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', p. 1073.

such hereditary drunkards, concluding that to act upon such theory by introducing criminal legislature was reckless:

My present object is merely to point out how entirely any action in the matter should depend on the final establishment or disproof of Mr. Reid's cardinal assumption. Until we have settled that we cannot decide whether any specific legislation whatsoever is likely to result in good or evil.²⁵⁴

Wells was not alone in expressing such conditional support. The zoologist and evolutionary biologist Lankester, Wells' friend and collaborator from 1900 to 1920, had previously said of Reid's position on alcohol:

Let the drunkard drink and perish, and his seed with him, is Mr. Reid's motto [...] However interesting and ingenious such speculations are, it is necessary to remember that the human mind, like the human body, is an extremely complicated mechanism, of which we are not justified in assuming that we have anything approaching to a complete understanding.²⁵⁵

Such a stipulation ultimately meant for Wells, as it clearly did Lankester, to reject the practical applicability of the current science of eugenics. In the present-day fight against society's undesirables, Wells maintained a focus on improving institutions – and not births – with the view to deter individuals from crime or to reform those who had slipped through the net. What Partington considers to be a revision in ideas is merely a change in narrative form; one deriving from a Speculative Hope, the other from the need for practical social reform. The previously-applied provisos of projected customs had to be abandoned, and in *Mankind in the Making* Wells writes his manifesto, his suggestions being only that which can legitimately be carried out. That is not to suggest that Wells did not hope for the biological sciences to one day provide humankind with the authority to legislate on such matters. But, as it is proven by his review of Reid, at the time of writing *Anticipations* Wells did not advocate the application of eugenics.

In *Mankind in the Making*, Wells provided a text which he later described as 'a prospectus for the human enterprise', and openly looked to the immediate future from

²⁵⁴ Wells, 'The Temperance Question', p. 2.

²⁵⁵ E. Ray Lankester, 'The Present Evolution of Man,' *Fortnightly Review*, 60, 357 (1896), 408-15 (pp. 413-14).

the perspective of the present, rather than as a ‘thing with a future history’ in *Anticipations*.²⁵⁶ He was, then, somewhat more constrained in his futurological endeavours, and possible improvements in the biological and social condition of humankind had to be bordered by contemporary knowledge. Despite the change in narrative style much of the content remained the same as that of *Anticipations*, and in the second instalment the hereditary drunks, insane, and diseased were again put on trial. The first two of this trio were discussed with reference to authors who had commented on the inheritable nature of the respective conditions: Reid for drunkenness and Nordau for insanity. However, before he discussed such theory, Wells dismissed two other schools of thought which were firmly grounded in the discourses of degeneration in the period: Galtonian eugenics and Lombrosian criminal anthropology. Wells had previously criticised the ‘glib dogmatizing’ of Francis Galton and others who wrote on the science of inheritance in an article printed in the *Saturday Review* in late 1894. Entitled ‘Fallacies of Heredity’ it was directed at the claims made by those such as Galton, whose literature on the subject was, according to Wells, ‘barely worth the paper it is written on’ and whose experiments needed ‘many thousand observations’ before decisions on hereditary matters could be decided upon.²⁵⁷ In *Mankind in the Making* Wells made similar conclusions in reviewing Galton’s Huxley Lecture of the Anthropological Institute, delivered on 29 October 1901 and published in *Nature* two days later.²⁵⁸ Therein Wells argued that not only were the qualities deemed desirable by Galton entirely ambiguous, but that evolution does not work in such ways:

Nature is not a breeder; she is a reckless coupler and – she slays. [...] Lord Salisbury was no doubt misled, as most people who share his mistake have been misled, by the grammatical error of employing the Survival of the Fittest for the Survival of the Fitter, in order to escape a scarcely ambiguous ambiguity. But the use of the word “Survival”

²⁵⁶ H. G. Wells, *Experiment in Autobiography. Discoveries and Conclusions of a Very Ordinary Brain (Since 1866)* (Philadelphia and New York: J. B. Lippincott, 1967), p. 554. First published in 1934.

²⁵⁷ Wells, ‘Fallacies of Heredity’, *Saturday Review of Politics, Literature, Science and Art*, 78, 2041 (1894), 617–18 (p. 617). The criticism of Galton’s school found in this article, like that of eugenic proposals in the Reid review, and the positive response and commercial success of *Anticipations*, does not corroborate with Partington’s argument ‘that the criticisms *Anticipations* received went uncomfortably close to aligning Wells with Galton, and Wells therefore took great care in subsequent years to show his unequivocal rejection of Galton’s views’. Partington, *Building Cosmopolis*, p. 54. Furthermore, after extensive searches of the available text it should be clarified that in the period between *Anticipations* and *Mankind in the Making* no substantive connection between Wells and Galton or eugenics was made by reviewers and commentators of Wells’ work and ideas, nor by associates or friends with whom he corresponded.

²⁵⁸ Francis Galton, ‘The Possible Improvement of the Human Breed Under the Existing Conditions of Law and Sentiment’, *Nature*, 64, 1670 (1901), 659–65.

should have sufficed to indicate that the real point of application of the force by which Nature modifies species and raises the average in any quality, lies not in selective breeding, but in the disproportionately numerous deaths of the individuals below the average.²⁵⁹

Just as the New Republicans' elimination of the unfit would be an extension of natural processes, Wells insisted that Galton had misunderstood nature's methods. These sentiments were repeated in the now oft-quoted (and misinterpreted) response to Galton after the 1904 Sociological Society lecture 'Eugenics, its Definition, Scope and Aims',²⁶⁰ whereby Wells again asserted, contrary to the notion of selecting and breeding superiority, that nature proves '[i]t is in the sterilisation of failures, and not in the selection of successes for breeding, that the possibility of the human stock lies'.²⁶¹

Following the refutation of Galton's positive eugenics and Woodhull-Martin's scaremongering appeals for the practice of negative eugenics in the face of the 'Rapid Multiplication of the Unfit', Wells then condemned the 'cruel and mischievous ideas' of criminal anthropology, clearly ridiculing, albeit without naming, Lombroso and the positivist school's identification of criminal appendages as the pseudo-scientific successors of phrenology.²⁶² Wells had already expressed what he thought of Lombroso's criminological position, stating in *Anticipations* that his 'extraordinary assertions' could be considered a science as much as could palmistry.²⁶³ In *Mankind in the Making* Wells apportioned more space to this school of thought, and rubbishing the idea of born criminals, predetermined to break the law 'ere ever a criminal thought has entered their brains', he argued that crime was far more complex, a 'varied chapter of accidents that carries men into that net of precautions, expedients, prohibitions, and vindictive reprisals, that net of the law'.²⁶⁴ His treatment here assumed the same ground occupied by the psychosocial determinism of Durkheim and Gabriel Tarde (1843-

²⁵⁹ Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', p. 712.

²⁶⁰ The eugenic movement gained momentum in 1904 after the government's Royal Commission was set up to look into statutory reforms concerning the problem with mental defectives, which would eventually result in the Mental Deficiency Act of 1913. For the early twentieth-century build up to such legislative debate, particularly how the eugenic proposals were pushed into public discourse, see Edward J. Larson, 'The rhetoric of Eugenics: expert authority and the Mental Deficiency Bill', *The British Journal for the History of Science*, 24, 1 (1991), 45-60.

²⁶¹ It appears that the proceedings were first published in full in the *American Journal of Sociology*. Francis Galton, 'Eugenics: Its Definition, Scope, and Aims', *American Journal of Sociology*, 10, 1 (1904), 1-25.

²⁶² Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', pp. 712-14.

²⁶³ Wells, 'Anticipations. VII.—The Conflict of Languages', p. 726.

²⁶⁴ 'Mankind in the Making. II.—The Problem of the Birth Supply', p. 713.

1904).²⁶⁵ People are not born immoral, or with an innate understanding of the legal notions of property and monogamy, Wells asserted. Instead their criminal actions are largely a product of the interaction between their faculties of mind and the complex social structures of modern society:

[A criminal's] personal disaster may be due to the possession of a bold and enterprising character, of a degree of pride and energy above the needs of the position his social surroundings have forced upon him. Another citizen may have all this man's desires and impulses, checked and sterilized by a lack of nervous energy, by an abject fear of the policeman and of the consequences of the disapproval of his more prosperous fellow-citizens.²⁶⁶

Although criminality as a quality could not be found in a person's constitution, Wells makes an important claim, one that bears similarity to the criminological perspective of the other figures observed in this thesis, contending that there nevertheless may be 'criminal *tendencies*' in people which are hereditary.²⁶⁷ This same psychosocial determinism was expressed in 1897 in a favourable review of Conwy Lloyd Morgan's (1852-1936) *Habit and Instinct* (1896) wherein Wells asserted that criminal tendencies are probably inheritable, but that the 'acquired factor' of one's 'mental environment' would be 'impressed on instinct, modifying instinct, sometimes flatly opposing instinct, and even in some cases altogether overcoming and defeating it'.²⁶⁸

When Wells returned to Reid's hereditary alcoholics in *Mankind in the Making* he made the same conclusions as he had done in his 1901 review on the question of preventing procreation in light of how little is known on the subject, now suggesting the unlikelihood of there existing an inherited trait of alcoholism. He did, however,

²⁶⁵ Both Tarde and Durkheim, though emphasising the role of society in determining 'deviant' or criminal actions, acknowledged the idea of biological and psychological predisposition. See Emile Durkheim, *Suicide: A Study in Sociology*, trans. by John A Spaulding and George Simpson, ed. with an intro. by George Simpson (London: Routledge and Kegan Paul, 1975). First published in 1897; and Gabriel Tarde, *Penal Philosophy*, trans. by Rapelje Howell, editorial preface by Edward Lindsey, intro. by Robert H. Gault (Boston: Little, Brown and Company, 1912). First published in 1891. Wells wrote an introduction to the 1905 English edition of Tarde's *Underground Man*, first published in French in 1896 as *Fragment d'Histoire Future*, which would suggest previous encounters with his thought. There are no substantive references, however, in Wells' output to make the same suggestion with Durkheim's work, yet connections between them can still be made, as John Allett argues. See Wells, 'Preface' in Gabriel Tarde, *Underground Man*, trans., by Cloudesley Brereton (London: Duckworth & Co., 1905), pp. 1-19; and John Allett, 'Tono-Bungay: A Study in Suicide', *University of Toronto Quarterly*, 60, 4 (1991), 469-75. Accessed online at <<http://utpjournals.metapress.com/content/k4201r1226571761/>> on 18 July 2013.

²⁶⁶ Wells, 'Mankind in the Making. II.—The Problem of the Birth Supply', pp. 713-714

²⁶⁷ *Ibid.*, p. 714. My emphasis.

²⁶⁸ H. G. Wells, 'The Acquired Factor', *The Academy*, 51 (1897), 37 (p. 37).

make it clear that the ideas of punishing the indisputably alcoholic from having children and allowing alcoholism to be included in the grounds for divorce were something about which he was more supportive. Wells, then, reiterated his antagonism toward a scheme of negative eugenics being implemented to eradicate a ‘type’, whilst simultaneously advocating stronger legal measures – including one which removed childbirth as an individual’s right – to prevent the possible damage alcoholism could inflict on the family.²⁶⁹ Wells’ objections to Reid’s theories on alcoholism were the same, albeit put less scathingly, as those to Nordau’s ideas on insanity which had been articulated in *Degeneration* (1892), describing the book as ‘pretentious and inconsistent’.²⁷⁰ Again, the belief that such a trait as insanity or madness was definable, let alone identifiable as hereditary, was utterly rejected by Wells. Despite appearing to be more confident in scientific authority as he started discussing the possible identification of hereditary diseases, Wells once again reaches the same conclusion as he did when addressing the previous two conditions – too much doubt remained in these inquiries to warrant the application of legislation or coercive action. As such, only two recommendations could be made on the matter, and Wells urged the likes of Reid, Karl Pearson (1857-1936), Walter Frank Raphael Weldon (1860-1906), William Bateson (1861-1926), and Ellis to continue with their research in the ‘missing science of heredity’ and appealed to the British public to uphold their contract as both progenitors of the next generation and integral constituents of the social body in their private lives.²⁷¹ Over the course spanning from his earlier scientific journalism to the completion of *Mankind in the Making*, Wells had expressed a rather consistent theory on the matter of criminality, one that sits quite comfortably within his wider views on the study and application of science. Wells was often critical of what he saw as hasty conclusions in the inductive method, pointing out that the generalisations that followed observational study – of which he frequently claimed consisted of too small a sample – did not hold up to scientific standards.²⁷² He had difficulty in accepting any theory which was not somehow provable or observable, a reason for why he was so reluctant

²⁶⁹ Wells also considered that the same child-protection and parenting laws that he had proposed in the December instalment of *Mankind in the Making* would be particularly effective in safeguarding children from alcoholic parents. Wells, ‘Mankind in the Making. III.—Certain Wholesale Aspects of Man-Making’, pp. 1090-1091.

²⁷⁰ ‘Mankind in the Making. II.—The Problem of the Birth Supply’, p. 717.

²⁷¹ *Ibid.*, pp. 720-22.

²⁷² Wells, in fact, seemed to be uncomfortable with the very notion of generalisation, or of grouping and classifying individual phenomena. H. G. Wells, ‘The Rediscovery of the Unique’, *Fortnightly Review*, 56 (1891), 106-11.

to accept Weismann's germ-plasm theory, which he originally dismissed as 'metaphysical', its hidden gametes giving rise to 'dark speculations'.²⁷³

When it came to *A Modern Utopia*, Wells was able to readopt the narrative tools he had used in *Anticipations*, with which he could fashion a world different to his own (as occupied in *Mankind in the Making*) and, with regard to the focus of this thesis, have new values adopted by its population, vastly improve their scientific knowledge, and legislate on criminal matters. Different to *Anticipations* in that it is less a set of deductions, tongue in cheek or not, leading to a likely future and more a traditional utopian construction, *A Modern Utopia* was largely a topography of Wells' desires.²⁷⁴ In the fifth instalment, printed in January 1905, Wells addressed crime and anti-social behaviour, and created three classes of those he deemed 'unfit'. There were those who had fallen behind the progress of humankind: the idle unemployed, the unteachable, the 'rather incompetent low-grade man', who would be provided work and homes if needed, and given every chance to better themselves.²⁷⁵ Then there were those who had fallen into crime: first-time criminals and juvenile offenders, who would be placed in reformatories and schooled in the values of utopia and recast into responsible citizens.²⁷⁶ And finally, Wells returned to figures he had dismissed as indefinable in *Mankind in the Making*: the indisputably diseased, insane, and alcoholic. As in *Anticipations*, these individuals would be refused parenthood based on the scientific proof that their bodily and mental conditions ruled out the chance for their reform or cure, but it was how Wells chose to deal with such criminals – in essence, what forms of punishments he imagined to be effective – where clear differences can be found.

Whereas in *Anticipations* the New Republicans would quicken nature's eliminatory process by enforcing the penalty of opiate-induced death, the condemned of Utopia would be segregated onto prison islands, each island the permanent domicile of only those afflicted with a particular condition – not only would these incurably unfit types be segregated from society, but each type from the others. There, Wells contended, they would be left to organise themselves, under the watch, of course, of armed guards, who would only be there to enforce containment and prevent tyrannical

²⁷³ H. G. Wells, 'The Biological Problem Of To-Day', *Saturday Review of Politics, Literature, Science and Art*, 78, 2044 (1894), 703-04 (p. 704); idem, 'The Darwinian Theory', *Pall Mall Gazette* (1 Jan., 1895), 4 (p. 4).

²⁷⁴ Wells, *Experiment in Autobiography*, p. 554.

²⁷⁵ Wells, 'A Modern Utopia. Chapter the Fifth. Failure in a Modern Utopia', p. 169.

²⁷⁶ *Ibid.*, p. 172.

or cruel organisation, and in such a penal system Utopia would extinguish ‘the bleak terrors, the solitudes and ignominies of the modern prison’.²⁷⁷ Wells had already expressed his aversion to the death penalty in an 1890 article wherein he mocked both its origins and contemporary support.²⁷⁸ One finds continuation, then, in the following statement made in *A Modern Utopia*, which also shares the sociological reading of crime as that found in *Mankind in the Making*:

There would be no killing, no lethal chambers. [...] Lives that statesmanship has permitted, errors it has not foreseen and educated against, must not be punished by death. If the State does not keep faith, no one will keep faith. Crime and bad lives are the measure of a State's failure, all crime in the end is the crime of the community. Even for murder Utopia will not, I think, kill.²⁷⁹

The notion of segregating ‘undesirables’ – not simply those who had committed offences but those who were deemed likely to do so – was being seriously considered in the first years of the twentieth century, and after considerable discussion there emerged the Prevention of Crime Act in 1908, of which included the ‘dual track’ system, which is thus described by Bailey:

In an awkward alliance of classicism and positivism, those deemed to be habitual criminals first paid for their crime in the coinage of just deserts (penal servitude), after which they were detained for their habitual criminality in the new currency of social defense (preventive detention).²⁸⁰

But for Wells it was a far less balanced alliance in the prison-island sentences of Utopia. The provision of preventative detention in the 1908 Act largely depended on the number of crimes the individual had committed, and those undergoing no less than their fourth conviction were eligible for such sentencing. Not only did Wells reduce the qualifying number of convictions to three in *A Modern Utopia*, he also included as eligible for preventative detention individuals who had committed no criminal offence other than in suffering from transmissible diseases and insanity, and those who had been found drunk for the eighth time.²⁸¹

²⁷⁷ Ibid., p. 174.

²⁷⁸ Wells, ‘On Capital Punishment’, *Science Schools Journal*, 2, 23 (1890), 292-94.

²⁷⁹ Wells, ‘A Modern Utopia. Chapter the Fifth. Failure in a Modern Utopia’, p. 172.

²⁸⁰ Bailey, ‘English Prisons’, p. 302.

²⁸¹ Wells, ‘A Modern Utopia. Chapter the Fifth. Failure in a Modern Utopia’, p. 172.

Wells would also have shown support for the other measure aimed at tackling the problem of the habitual offender, one which had been recommended by the 1895 Gladstone Committee and became nationally-enforced under the 1908 Act: the indeterminate sentencing of those criminal offenders aged between sixteen and twenty-one to Borstal 'training'. In Utopia these would be 'fair and happy places' and would be more inclusive than their real-life counterparts: all first-time offenders and those up to the age of twenty-five would be eligible. There they would be schooled in morality and the value of humanity. 'From that discipline', Wells believed, 'at last the prisoners will return'.²⁸² The notions of the school and strict training as a place and means to provide a moral education to those convicted of crimes continued to be a paradigm of Wells' thought throughout his life. In 1934, when discussing the problem of the 'recalcitrant', his relation of school discipline to crime prevention is perhaps more literal than figurative:

[Crime] is a question that can be addressed in precisely the same terms as a school disciplinarian. The problem of order in a society is one with the problem of order in the school.²⁸³

This idealistic support for the modern detention centre aimed at bettering young offenders through moral and cultural education but also as a means of 'social defense' was popular amongst socialists and anarchists working in Britain and America in the late nineteenth and early twentieth century, as will be shown in the texts of Ellis, Kropotkin, and Carpenter. Another means of preventative action that Wells appeared to support is that of the vast extension of the state's ability to 'see' its population, as found in *A Modern Utopia*. Wells certainly believed in the good that would come (or the bad which would be prevented) from such surveillance. Clearly anxious about the growing anonymity of individuals in soaring urban populations, he speculated that Utopia would create a comprehensive and wide-reaching system of registers to help keep in check those figures of his concerns, referring to the modern problem of the 'untraceable' criminal, what he called 'the Deeming and Crossman type' that posed a

²⁸² Ibid.

²⁸³ H. G. Wells, *The Work, Wealth and Happiness of Mankind* (London: William Heinemann, 1932), p. 785.

grave threat, especially to women.²⁸⁴ The compulsory photographing and registering of criminals as set out in the 1871 Prevention of Crime Act would be greatly extended, as he discussed with approval the idea of an all-seeing central index of every inhabitant of Utopia.

Wells' critique of the contemporary inadequacies in dealing with the problem of crime also addressed the matter of officiating prisons, as he asserted that men are not 'wise' or 'good enough' to be warders of other men.²⁸⁵ Responding from the floor after Galton's aforementioned lecture of 1904, Wells had similarly criticised the assumed 'goodness' of those working in the judicial system,²⁸⁶ and as he had done so in *Anticipations*²⁸⁷ he expressed concern in *A Modern Utopia* for the psychological ramifications of those responsible for the punishment of prisoners. Such concerns for the corruption of prison officers were expressed by a number of Wells' contemporaries. Kropotkin, for example, had argued that the moral disease created by prisons was not only transmitted to those incarcerated, but that the warders and jailers, too, would suffer from the contagion: 'The institution makes them what they are, petty and vexatious persecutors of the prisoners'.²⁸⁸ There was a growing understanding in late nineteenth-century Britain that social determinism was not limited to society as a whole, but operational at the institutional level, and for the socialists and anarchists in particular, the corrupting influence of prisons on those who therein resided – regardless of the individual's reason for being there or supposed moral constitution – was merely a microcosmic illustration of the corrupting influence of an unjust society.²⁸⁹

²⁸⁴ Wells, 'A Modern Utopia. Chapter the Fifth. Failure in a Modern Utopia', pp. 182-183. Frederick Deeming was a career criminal and polygamist, who was hung on 23 May 1892 for murdering his four young children and two of his three wives. The reporting on the story was all the more sensational in the aftermath of the Whitechapel murders and due to the fact that the bodies were hidden for months before being uncovered. On 23 March 1904 George Crossman, who had a criminal record for bigamy, slit his own throat after being cornered by policemen who suspected, rightly, that a trunk of his contained the decaying body of one of his wives, murdered by an axe-blow to the head. For an extensive history of Deeming and the sensation that surrounded his crimes and trial, see of Rachel Weaver, *The Criminal of the Century* (Melbourne: Australian Scholarly Publishing, 2006). Crossman is a far more elusive criminal. For a brief contemporary account of his crimes, see 'The Criminal as Man', *The Spectator* (2 April, 1904), pp. 10-11 (p. 10).

²⁸⁵ *Ibid.*, p. 173.

²⁸⁶ See Galton, 'Eugenics: Its Definition, Scope, and Aims', pp. 10-11.

²⁸⁷ Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', p. 1074.

²⁸⁸ Kropotkin, *In Russian and French Prisons*, p. 333.

²⁸⁹ See, for example, Kropotkin's chapter 'On the Moral Influence of Prisons on Prisoners', in *In Russian and French Prisons*, pp. 299-337. Havelock Ellis, too, gives considerable space to a number of writers who condemn the corruptibility of prisons. See Ellis, *The Criminal*, pp. 245-251.

Wells' criminological discourse

Wells, then, occupied the space between what appeared to be two competing spheres of criminological thought of the period. He clearly expressed a somewhat sympathetic attitude to the criminal – particularly juveniles and first-time offenders – in his criticisms of capital punishment, his refutations of biological determinism, and his support for penal reform. At the same time, however, he seems to advocate the idea that if certain physiological ‘predispositions’ to criminal or anti-social behaviour were proven to exist in an individual, he would support indefinite segregation, prevention from procreation, and even enforced sterilisation. Even when, for instance, he claims – and it has been contended here that such claims can be authenticated – that Saleeby had misinterpreted his position on negative eugenics, it is not difficult to see why such a misreading occurred. Wells’ was, as has been stated earlier in this chapter, a criminological perspective which keenly observes the conditions of society and the prison with the intent to highlight injustice and possible reform, and yet remains concerned with the physiological make-up of the anti-social individual. The notions of ‘predisposition’ and ‘tendency’ allowed him to straddle the sociological and biological schools of criminology. When in 1932 Wells made reference to Charles Goring’s (1870-1919) famous criminological treatise *The English Convict* (1913),²⁹⁰ he reiterates his position: ‘The truth of the matter may lie in the fact that though there is no innate criminal quality there are probably certain distinctive qualities in the ideology established in the mind which resorts to crime’.²⁹¹ In this respect Wells could, like Goring would do in 1913, criticise the thought of Lombroso, whose assumed biological determinism downplayed the need to reform an inequitable society, and at the same time continue in the vein of a scientist who, clearly, was very much part of the medicalisation of anti-social behaviour.

On the history of the epistemologies of crime in modern Britain, Davie has appealed for a perspective which emphasises the complex relationship between classical and positivist views on crime, the criminal, and punishment. Such an approach questions both the stress placed on theory-to-practice paradigmatic shifts (as seen in the work of Foucault and Garland) and the contentions of continuity in the British penal

²⁹⁰ I address this work in my conclusion.

²⁹¹ Wells, *The Work, Wealth and Happiness of Mankind*, p. 784.

system in the face of the new, positivist theories.²⁹² Wiener, like Davie, has recently taken a similar perspective in his analysis of how the English judiciary inflected both ‘scientific’ criminological theory and classical notions of the criminal as propounded by legal commentaries. Asserting that interpretations of ‘guilt’ and ‘legal responsibility’ began to be seriously contested in the late nineteenth century with the increased presence of the medical profession in matters of criminal law, Wiener provides the example of how the ‘McNaghten Rules’ yardstick of measuring a criminal’s ‘knowledge of right or wrong’ when determining their criminal accountability was gradually replaced in the eyes of the public and the state, though not completely, nor without considerable resistance, by the diagnosis of the ‘diseased mind’.²⁹³ Wells, too, seems to have occupied a site of such complexity and contestation, through which he presented rather classical notions of the criminal as well as modern scientific ones. For example, the figure of the violent offender seems out of place amongst Wells’ habitual drunkards and those suffering from insanity – the latter two always discussed with reference to the question of such conditions’ psychosocial makeup – as is the case in *Anticipations* when Wells asserts that the New Republicans, those whose criminal code, like all their values and conventions, would be shaped by scientific authority, would continue to use torture as a means of punishment and deterrence only for those convicted of ‘outrageous conduct to children or women, perhaps, or for very cowardly or brutal assaults of any sort’.²⁹⁴ Years later, in 1932, Wells proved that he still held such ambiguous views, disregarding the necessity for scientific diagnosis when condemning violent criminals:

‘Nor is there any sound objection to the sterilization of criminals convicted of brutish violence. The balance of evidence tilts towards the conclusion that such qualities are transmissible and, *even if that conclusion is unsound*, nevertheless the suppression of offspring in these categories will eliminate the certainty of a number of children being born in unfavourable surroundings at a great social disadvantage’.²⁹⁵

²⁹² Davie, *Tracing the Criminal*, pp. 181-186.

²⁹³ Wiener, ‘Murderers and ‘Reasonable Men’’, pp. 54-55.

²⁹⁴ Wells, ‘Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century’, p. 1073.

²⁹⁵ Wells, *The Work, Wealth and Happiness of Mankind*, p. 678. My emphasis.

The notion of criminal responsibility – whether informed by the test of knowing right from wrong or by the assessment of mental illness – did not appear to affect Wells' position when it came to the matters of murder or assault: never did he stipulate the necessity of a 'science of violence', in the same manner as he did with those markers of crime which may be scientifically proven, before condemning such criminality. Violent tendencies seemed to elude Wells' requirement of scientific truth when he assumed the optic of positivism, and remained closely tied to the classical perspective of crime, as sentiments of fear and disgust are evoked by abhorrent acts against women and children by the Deeming and Crossman 'types'.

Continuing on this line of inquiry, there can be found an interesting development in Wells' treatment of insanity and alcohol, and how they relate to legal responsibility. When discussing the New Republicans' criminal code in *Anticipations*, Wells imagined that in the future 'the plea and proof that a grave criminal is also insane will be regarded by them not as a reason for mercy, but as an added reason for death'.²⁹⁶ No mention of criminal accountability arises in *Mankind in the Making*, but in *A Modern Utopia* Wells replaces insanity, insisting this time that drunkenness would be deemed as 'an aggravation of, and not the excuse for, crime'.²⁹⁷ There might be little to say about such a transition, but there might also be a case to consider that it reflects a certain shift that was taking place in criminal law and attitudes at the time. At the turn of the century the admission of alcoholism, unlike the plea of insanity, was not a means to rid oneself of the legal responsibility of a criminal act on account of being incapable in making morally informed decisions. But by 1905 it had come to be accepted that alcoholism was a condition more permanently afflictive on the moral self, not only when one was drunk – a result of the growing authority of the medico-psychiatric discourse. Such a conceptual shift saw 'habitual drunkenness' appropriated by the legal lexicon of mental illness. As Weiner claims, '[d]runkenness, in itself not an acceptable defense, could now become one if reinterpreted [by the judge] as "alcoholic insanity"'.²⁹⁸ In 1905 a contemporary commentator on the developments in the legal

²⁹⁶ Wells, 'Anticipations. IX.—The Faith, Morals, and Public Policy in The Twentieth Century', p. 1073.

²⁹⁷ Wells, 'A Modern Utopia. Chapter the Second. Concerning Freedoms', p. 944.

²⁹⁸ Wiener, 'Murderers and 'Reasonable Men'', p. 58. Nicole Hahn Rafter similarly describes the process of a discipline's 'self-legitimation' as it subsumes bordering discourses and adjusts the respective epistemologies to suit its needs. It is quite reasonable to assume that the knowledge of alcoholism – not belonging solely to any particular discipline – began to be appropriated by modern scientific psychiatry. See Nicole Hahn Rafter, *Creating Born Criminals* (Urbana: University of Illinois Press, 1997), p. 89.

system noted such a transition, stating that recommendations of mercy for the habitual drunkard were frequently ‘recognition of an inherent weak-mindedness little short of insanity’.²⁹⁹ Anxieties, such as Wells’, concerning the flourishing phenomenon of the criminal plea of insanity – anxiety both about the assumed increase of lunatics in society and about their softer, ineffective sentencing – would only heighten once habitual drunkards began to be included in this paradigm. Wells’ decision to dismiss in *A Modern Utopia* the notion that the condition of alcoholism should be used, in the same way insanity was, to alleviate criminal responsibility might be reflective of these social and legal reconsiderations.³⁰⁰ Such concerns, however, were certainly not allayed when the Mental Deficiency Act of 1914 included the habitual drunkard in its terms.

²⁹⁹ Stanley B. Atkinson, ‘Some Medico-Legal Relations of Intemperance’, *The British Journal of Inebriety*, 3, 1 (1905), 4-15, p. 12.

³⁰⁰ Wells became an Associate of the Society for the Study of Inebriety at some time over the course of 1902 and 1903. Although there can be found no reference to a specific date of his joining, he is mentioned in such terms in a review of *Mankind in the Making* printed in the society’s publication, the *British Journal of Inebriety*, in January 1904. See [Anonymous], ‘Review of *Mankind in the Making*’, *British Journal of Inebriety*, 1, 3 (1904), 216-217. I do not believe he was an Associate at the time of writing his review of Reid’s *Alcoholism: A Study in Heredity* (November 1901) as therein he discusses the society (of which Reid was a member) with some estrangement. Wells’ association might reflect an increase of his interest on the subject – including that of legislation – in this period.

Chapter Three: Havelock Ellis

As, indeed, we approach the treatment of criminals with a larger vision, we shall find ourselves anxious to help them, not alone for their own sakes, but in a still higher degree as symptomatic products of unhealthy and infantile stages in our psycho-social development as a whole. In learning how to deal with the criminal we are learning how to deal with society.³⁰¹

Havelock Ellis, 'The Progress of Criminology' (1919)

In the first year of peacetime that followed the end of the First World War, Ellis, pioneer in the study of sex and sexuality, remained concerned with the subject he had introduced to the reading public of Britain three decades earlier with the publication of *The Criminal*. The progress of criminology, he thought, was integral not only to the matter of society's safeguarding but of its evolution. Such an idea, that the 'larger vision' of criminology concerns much more than the criminal, that it is a question of 'how to deal with society', can be traced back over the thirty years to the aforementioned text, found in a rather ominous forewarning. Whilst it is inarguably important, Ellis had insisted, to examine the genealogical relationship between the criminal and his savage primogenitors, it nevertheless remained an essential concern that 'he is at the same time related to those more or less civilised persons who tolerate killing with equanimity when it is called war'.³⁰² The question of criminality encompassed a wider enquiry, one that was all the more pertinent after total war, but one that Ellis had engaged with throughout his professional life: simply that of the relationship between humans.

At the end of the 1880s, criminological thought in Britain was markedly dissimilar to that which had been developing on the continent. A somewhat crude summary of the fundamental difference between the two is that, whereas the work undertaken in the latter was largely preoccupied with the genesis and constitution of the criminal, British criminology was tied to the practices of penal and psychiatric

³⁰¹ Havelock Ellis, 'The Progress of Criminology', *Medical Review of Reviews*, 25, 10 (1919), 579-85 (p. 583).

³⁰² Ellis, *The Criminal*, pp. 132-33.

treatment of offenders and those classified as insane.³⁰³ Although the criminal was as much a scientific object in Britain as he was on the continent, his delineation was being defined by a number of different, but not separate, disciplines and institutions. Ellis was dissatisfied that the promising studies in the 1860s and 1870s conducted by prison medical officers and psychiatrists had failed to give rise to a homogenous school of criminology, like those that could be found in Italy and France. It was high time, he thought, that a critical engagement with the new anthropological knowledge of crime and the criminal was provided to the British people.

It has been opined that *The Criminal* is an uncritical text,³⁰⁴ regarding it as either an anthology of the most poignant criminological ideas of the time or as an English variant of Lombroso's *L'uomo delinquente*.³⁰⁵ It is, however, somewhat difficult to consider Ellis as composing *The Criminal* without a critical mind. He was a physician and an educationalist, a burgeoning scientist of sex psychology who scrutinised the object of sexuality and, specifically, the assumed realities of its deviancies, and had engaged and would continue to engage with a spectrum of scientific approaches in a number of different languages to the question of crime. Though it should not by any means be historically regarded as a pioneering text of criminology, nor considered as anything but heavily influenced by Lombroso's studies, *The Criminal* reveals Ellis to be engaging with, scrutinising, and inflecting criminological-related scientific theory, and was twice revised over four editions.³⁰⁶ In his new preface to the 1901 edition he would reiterate his intention to contribute to the young and tumultuous field of criminology:

What is a criminal? Is he—according to the old legal assumption on which our criminal law is still mainly built up—a normal person who has wilfully committed an abnormal act? Is he the victim of acquired disease, such as some form of epilepsy? Is he an atavistic reappearance of the savage in modern society? Is he a “degenerate”? What is the “criminal type”? In this book I attempted to answer these questions with all the caution demanded by the existence of conflicting views and the imperfection of our knowledge.³⁰⁷

³⁰³ David Garland was first to highlight this distinct formation in the early days of British criminological enquiry. See Garland, ‘British Criminology Before 1935’, p. 2.

³⁰⁴ Leon Radzinowicz and Roger Hood, *A History of English Criminal Law, 5: The Emergence of Penal Policy* (London: Stevens & Sons, 1948), p. 12.

³⁰⁵ Miller, *Framed: The New Woman*, p. 32.

³⁰⁶ The subsequent editions were published in 1895, 1901, 1910, and 1914. The third and fourth editions included changes to the text. Some of these changes will be discussed in this chapter.

³⁰⁷ Havelock Ellis, *The Criminal*, third ed. (London: Walter Scott, 1901), p. xiv.

As it will be shown in this chapter, his enquiry into the criminological concepts and methods of the day, as well as those of prominent forerunners, led Ellis to situate himself, in a similar way to Wells, in a reconciliatory position between the congenital theories tied to Lombroso and those that stressed the influence of injurious social conditions associated with Lacassagne and Tarde. Such an interpretation is rather different to that of those who see Ellis only as a follower of Lombroso when it came to the matter of crime.³⁰⁸

The Criminal (1): Instinctive Criminality

Ellis considered the particular *types* of criminal so regularly defined by criminal anthropologists.³⁰⁹ He initially outlined four, drawing on Lombroso and Ferri's classification of criminals: the political criminal; the criminal by passion; the insane criminal; and the occasional criminal (who, if utterly failed by society and its institutions, would fall into recidivism). Yet much of his concern was directed at another site adjacent and connected to that where madness resided, a domain occupied not by those who were insane in the strictest sense of the term, but by individuals who appeared to be suffering from *moral* insanity. This was the land of the moral monster, the home of Deeming and Crossman, all those whose capacity for cruelty and moral insensibility was thought to be betrayed by definable mental and physical traits. Such characteristics would be scrutinised by Ellis as he traversed through the various stigmata, features, and habits that Lombroso's school in particular had identified as marking the instinctive criminal. Such insignia of criminality were of considerable

³⁰⁸ Samantha Walton, for instance, significantly misrepresents Ellis' thought when she contends that he ignores environmental influences on criminal behaviour. Samantha Walton, *Guilty but Insane. Mind and Law in Golden Age Detective Fiction* (Oxford: Oxford University Press, 2015), p. 138. Wiener very briefly noted the presence of social determinism in Ellis' criminological thought, but this has evidently since been overlooked. Wiener, *Reconstructing the Criminal*, pp. 239-40. One need only consider his mention of Lombroso in the new preface to the 1901 edition of *The Criminal*: 'There is no "school" of criminal anthropology, as some have vainly imagined. Even among the immediate friends and pupils of Lombroso there are wide divergences of attitude and tendency, and many of the workers who have imagined that they were overthrowing Lombroso were simply helping to build up more firmly that edifice of knowledge concerning criminals which, as Lombroso is the first to declare, alone really matters'. Ellis, *The Criminal*, third ed., pp. ix-x.

³⁰⁹ For a discussion of the production of the criminal 'type' and its epistemological significance see Marie-Christine Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-century Discourse* (Durham, NC: Duke University Press, 1992), pp. pp. 44-70.

interest and importance to Ellis, and made up the majority of the prose in *The Criminal*. In this respect, his text could be easily placed alongside the criminological texts of the biological-positivist school.

But the shape of the object in Ellis' sight was not merely there for showcasing. As a 'natural phenomenon', the criminal would be understood as the product of a lineage of causes and origins.³¹⁰ Criminology, as he saw it, was an aetiological enquiry into the set of relations that resulted in the criminal's *becoming*. Such relations could be divided into three groups, as Enrico Ferri (1856-1929) had first asserted in 1881: the cosmic, the biological, and the social.³¹¹ Ellis championed in Lacassagne the vital message of nature and nurture symbiosis, that the criminal organism is cultivated in its physical and social environment, a biological process that only 'ferments' once specific conditions are in place.³¹² As seen in the thought of Wells, and which will be shown in that of Kropotkin and Carpenter, Ellis would think about crime as an unsettled site between the body and the environment in which it existed. The object of criminality could be explained, at least partially, by its surroundings. First, however, the bodily and mental characteristics of the criminal had to be examined, measured, and known, Ellis believed, before one could understand the processes that brought about such phenomena:

It is impossible to over-estimate the importance of the social factor in crime. To some extent it even embraces the others, and can be made to regulate and neutralise them. But we cannot deal wisely with the social factor of crime, nor estimate the vast importance of social influences in the production or prevention of crime, unless we know something of the biology of crime, of the criminal's anatomical, physiological, and psychological nature.³¹³

Knowing the physical and mental organisation of 'criminal man' was the epistemological basis on which to both build an understanding of the environmental causes of crime and to justify social action. First had to come a thorough diagnosis of

³¹⁰ Ellis, *The Criminal*, p. 231.

³¹¹ Enrico Ferri, *Criminal Sociology*, trans. by Joseph I. Kelly and John Lisle (Boston, MA: Little, Brown, and Company, 1917), pp. 24, 186-7. First published in Italian as *I Nuovi del Diritto e della Procedura Penale* (1881). For Ferri's criminological ideas and a short account of his life see Thorsten Sellin, 'Pioneers in Criminology XV—Enrico Ferri (1856-1929)', *The Journal of Criminal Law, Criminology, and Police*, 48 (1958), 481-93.

³¹² Ellis, *The Criminal*, p. 24.

³¹³ *Ibid.*, pp. 24-5.

the criminal's corporal and mental make-up. Only then could follow prescription, whether that took the form of curative or preventative treatment.

As he looked to delineate the differences between those exhibiting signs of a pathological or morbid condition, Ellis relied on the method of using case studies of criminals and their crimes, searching through their actions, environment, and history for clues that would help account for the displaying symptoms, just as a physician might seek in a patient's historical narrative for any obvious signs of contagion that might direct the diagnosis of disease. That Ellis utilised such a method in order to explain the object of criminality – a method which he would employ to a great extent in his sexological studies – is instructive, and it is important to examine the pathological case study and its historical construction to secure a broader understanding of how Ellis thought about crime. Philippe Pinel (1745-1826) was the first to present a nosographical study into pathological conditions by focusing on the narratives of patients' histories as a means for diagnosis and subsequent institutional treatment of those subjects deemed to be abnormal.³¹⁴ In his *Traité médico-philosophique sur l'aliénation mentale, ou la manie* (1801) there was born, Richard Lewis Holt asserts, the 'clinical medical gaze', a perspective 'that takes both the individual patient and the disease state as its subject' and 'introduces the patient narrative as a legitimate object of medical inquiry'.³¹⁵ The pathological case study provided a form of social knowledge whereupon a formation of causal possibilities of 'abnormal' conditions is erected, justified, and evaluated by the physician who then prescribes the suitable course of treatment.³¹⁶

Ellis credited Lambert Adolphe Jacques Quetelet (1796-1874) as a pioneer of the sociological school of crime.³¹⁷ But whereas Quetelet sought the social laws of

³¹⁴ 'At or very near the birth of the modern conceptual arrangement of psychiatric medicine is the figure of Philippe Pinel. La Bicêtre and Salpêtrière were among the first institutions in which the patient narrative was considered at all, much less outside a demonic or mechanistic context. Pinel unchained his patients, but more importantly he listened to them. In doing so, he introduced the patient utterance as a legitimate object of study, with all of its attendant epistemological quandaries'. Richard Lewis Holt, 'Pinel and the Pendulum' in *Psychoanalysis and Narrative Medicine*, ed. by Peter L. Rudnytsky and Rita Charon (Albany, NY: State University of New York Press, 2008), pp. 61-82 (p. 80).

³¹⁵ Ibid., p. 64.

³¹⁶ Foucault remains the prefatory theorist for the idea of the emergence of the clinical case and the production of the individual-as-object existing within a typological field of a population. See Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York, NY: Vintage Books, 1995), pp. 184-194.

³¹⁷ Ellis, *The Criminal*, p. 44. Ellis refers to Quetelet's seminal *Sur l'homme et le développement de ses facultés, ou essai de physique sociale* (1835), but such a criminological approach was first demonstrated in his 1831 study *Recherches sur le penchant au crime aux différents âges*.

deviancy in statistical observation and arrangement, the case study as an epistemological apparatus was distinct from that which professed the authority of numbers. That is not to say that the two bodies of knowledge were oppositional in use. The two can be mutually complementary, each validating the truth claims of the other in its support.³¹⁸ But as Robert E. Stake explains, unlike the propositional, explanative truths of social phenomena excavated through the statistical method, the case study provides a tacit knowledge of understanding. As particularities of phenomena and experience are recognised in new and often unfamiliar contexts, a body of both empirical and intuitive knowledge develops, a system composed of what Stake calls ‘naturalistic generalizations’.³¹⁹ In the history of psychopathological science, the case study located abnormality not in the product of measurable, quantifiable phenomena afflicting the social or physical body, but in the processes that surrounded a patient’s actions, feelings, and thoughts, a narrative of the causal possibilities that formed one’s life experience. Ellis certainly seemed more inclined to look to the method of the case study rather than that of statistics when it came to planning the course of recovery:

It is only the arm-chair statistician who can rest comfortably when he has shown that in some other age or in some other land the amount of disease or death due to this or that cause has been even greater than it is among us to-day.³²⁰

In the same way that he would use it for his enquiries into sex and sexuality, the case study was the perfect canvas on which Ellis could explore the topography of criminality and delineate the specific ‘types’ of offender, tracing the contours and interconnected features that could form a conclusive narrative of one’s abnormal behaviour. He would scrutinise the case studies undertaken by medical professionals and scientists who, though writing from different disciplines and national backgrounds all attended to those unsettled demarcation lines, such as the likes of British asylum physician and lecturer

³¹⁸ See Ernest W. Burgess, ‘Statistics and Case Studies as Methods of Sociological Research’, *Sociology and Social Research*, 12 (1927), 103-20.

³¹⁹ Robert E. Stake, ‘The Case Study Method in Social Inquiry’, *Educational Researcher*, 7, 2 (1978), 5-8 (p. 6).

³²⁰ Havelock Ellis, *The Nationalisation of Health* (London: T. Fisher Unwin, 1892), pp. 8-9.

on insanity Henry Sutherland (1841-1901)³²¹ and French philosopher and psychologist Prosper Despine (1812-1892).³²²

It is in these case study narratives that Ellis plots his diagnoses, often attempting to determine whether or not the offender tends either towards the instinctive criminal or the lunatic. Those deemed to be occupying this well-known borderland were individuals ‘liable’ to criminal impulses, with non-pathological but nevertheless innate propensities for anti-social behaviour, who could be propelled to commit heinous offences by the smallest change of circumstances.³²³ Such inchoate individuals were categorically different from those found across the border. There he would place the rather unexpected figure of Marie Schneider, a twelve year old who killed a girl of the age of three with little distress and no remorse. Where the case history of an offender illuminated ‘the absence of guiding or inhibiting social instincts [...] accompanied by unusual development of the sensual and self-seeking impulses’,³²⁴ Ellis would identify the condition of ‘instinctive criminality’ or ‘moral insanity’ or any other synonymous term with which he would use to describe that permanent causal background of abnormality.³²⁵ Its aetiological base was invariable, and anti-social feelings could erupt into anti-social acts at any time.

The diagnosis of ‘moral insanity’ for Marie Schneider could be seen as a rather difficult one for Ellis to make. The viciousness of her actions and lack of contrition encouraged Marie’s case to be filed under such a category, but it was problematised by

³²¹ From his work on the case histories of patients’ at West Riding Lunatic Asylum, Sutherland would distinguish a particular class within the boundaries that demarcated the more indistinct region of insanity, composed of those with corrupted and inoperative moral faculties. Henry Sutherland, ‘Cases on the Borderland of Insanity’, in *The West Riding Lunatic Asylum Reports*, 6, ed. by J Crichton Browne and Herbert C. Major (London: Smith, Elder, & Co., 1876), pp. 108-19.

³²² In his *Psychologie Naturelle* (1868), a seminal work on the subject of criminal insanity, Despine grounded the idea that the borderland was occupied by those who suffered from infirmities or the absence of their moral senses.

³²³ Ellis, *The Criminal*, p. 5.

³²⁴ *Ibid.*

³²⁵ Ellis would, in the third edition of *The Criminal*, also classify the ‘moral imbecile’ as identical with the instinctive criminal, and stated in the new preface that since 1890 ‘the facts have only served to deepen my conviction as to the real nature of that relationship’. Ellis, *The Criminal*, third ed., pp. 292, xiv-xv. Such a development of ideas should be read in light of the dominating public discourse concerning ‘feeble-mindedness’ at the turn of the century (laws). See Mark Jackson, *The Borderland of Imbecility: Medicine, Society and the Fabrication of the Feeble Mind in Later Victorian and Edwardian England* (Manchester, Manchester University Press, 2000).

her being a child. And yet Ellis would, as many others did,³²⁶ see in the general constitution of all children similarities to that of adult criminals and lunatics:

[T]here is a certain form of criminality almost peculiar to children, a form to which the term “moral insanity” may very fairly be ascribed. [...] [It] is characterised by a certain eccentricity of character, a dislike of family habits, an incapacity for education, a tendency to lying, together with astuteness and extraordinary cynicism, bad sexual habits, and cruelty towards animals and companions. [...] There can be no doubt that many of these develop into instinctive criminals. [...] It is a very significant fact that these characters are but an exaggeration of the characters which in a less degree mark nearly all children. The child is naturally, by his organisation, nearer to the animal, to the savage, to the criminal, than the adult.³²⁷

Such ideas made it all the easier for Ellis to conceptualise the child as naturally occupying the criminal borderlands, prone to acting on anti-social impulses without the guiding influence of the moral faculties. In the 1901 edition of *The Criminal* he would add an appendix on the issue, reiterating the view that there exists a natural tendency towards immorality and criminality in childhood. Without intervention to inhibit the development of anti-social impulses, the child was at risk of gravitating towards the border and crossing over it, the anti-social tendencies becoming a fundamental part of its organisation. This was Ellis’ articulation of and contribution to the pervading Victorian concerns about urban youth, a relatively new class that was suffering from (and threatening society with) a lack of fitness, education, and moral faculty.³²⁸ As it has been shown in Chapter One, such anxiety could be expressed in socialistic literary speculations wherein the arms of the state were greatly extended to supervise all children’s upbringing so as to prevent the development of anti-social tendencies, as seen, for instance, in *Quintura* and *The Great Revolution of 1905*. Alternatively, these concerns were articulated in projections of eugenic schemes, and a socialist state could

³²⁶ See, for instance, Lombroso, *Criminal Man*, p. 218. James Cowles Prichard (1786-1848), whose *Treatise on Insanity* (1935) was a seminal early text in the gradual medicalisation of morality, argued that unless the child’s emotions were checked they could develop into mania. For a broader discussion of the development in the Victorian era of psychiatric knowledge as applied specifically to children see Sally Shuttleworth, *The Mind of the Child: Child Development in Literature, Science, and Medicine, 1840-1900* (Oxford: Oxford University Press, 2010). See in particular pp. 90-92 for Prichard’s criminalisation of children.

³²⁷ Ellis, *The Criminal*, pp. 211-212.

³²⁸ For the public discourses that surrounded criminality in Victorian children, see Jane Abbott, ‘The Press and the Public Visibility of Nineteenth-Century Criminal Children’ in *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, ed. by Judith Rowbotham and Kim Stevenson (Columbus, OH: Ohio State University Press, 2005), pp. 23-39.

stem criminality in children through the prevention of procreation, as seen in *A Thousand Years Hence* and satirised in *Erchomenon* and *Across the Zodiac*. In Marie Schneider, Ellis saw a child who had been failed by society, her criminal tendencies having been allowed to develop into moral insanity, the specifics of such a transition revealed in her case study. If criminological enquiry was to be directed anywhere, it was in the prevention or identification and treatment of those whose anti-social impulses were in danger of propelling them across the border. The possibility of salvation hung in the haze of the borderland. If the threshold was crossed, the best one could hope for was palliative care. Criminal tendencies had to be detected and treated at the earliest possible age.³²⁹

Ellis repeatedly demonstrates that there existed fundamental differences between anti-social feelings or moral perversions and the idea of a fatally marked criminal constitution, that an individual can be afflicted with certain predispositions to aberrant behaviour without suffering from a somatic or pathological abnormality. Existing in all children, he considered such feelings were also ‘far from uncommon’ amongst adults.³³⁰ The idea that anti-social sentiments in the individual could engender anti-social acts was not merely the result of reading and constructing aetiological narratives of crimes. On a conceptual level, Ellis would question why society related the criminal to the vicious savage or the pathological degenerate when it could turn a blind eye to the atrocities committed by individuals in the name of war. In the same way that Tarde’s sociological perspective saw criminal actions result naturally from the typically unstable matrix of social relations, only to be labelled ‘criminal’ in their contradiction of collective dominant values, Ellis would assume a position that can easily be applied to his studies into sexuality, positing that if society considered the killing of a fellow citizen ‘murder’ and the killing of an enemy soldier ‘warfare’, our relationships with one another needed serious reconsideration.³³¹

The Criminal (2): The Anti-Social Society

³²⁹ Ellis, *The Criminal*, p. 300.

³³⁰ *Ibid.*, p. 7.

³³¹ *Ibid.*, p. 206. For a recent interpretation of Tarde’s sociological understanding of crime, see Sergio Tonkonoff, ‘Crime as social excess: Reconstructing Gabriel Tarde’s criminal sociology’, *History of the Human Sciences*, 27, 2 (2014), 60-74.

In introducing the first criminal type in the opening of his text, Ellis presented an important figure, one that we will later encounter in Carpenter's thought, and one that bears similarities to Thomas Carlyle's (1795-1881) and Friedrich Nietzsche's (1844-1900) morally transcendent Hero and Superman, an individual who is ascribed the status of 'criminal' by an antagonistic society, and who may have been 'the hero, martyr, saint, of another land or age'. It is here that Ellis introduces his understanding of the notion 'anti-social', an integral concept to his criminological and sociopolitical thought. The political criminal, to which we now turn, could not be reduced to one who raged terror against the social situation of which he reviled, but had to be understood as the antithetical agent of a society 'which may itself be anti-social'.³³² Such a figure was both formed in and responsible for creating the waves of political violence at the end of the nineteenth century.

Following the birth and brutal death of the 1870/1871 Paris Commune, and reinforced by the misery of the Long Depression and growing public feeling of social injustice, sociopolitical unrest and agitation became an almost inherent component of life. At the end of the 1870s and beginning of the 1880s political violence in Europe had become more frequent, injurious, and momentous, reaching a climax in the assassination of Alexander II in 1881. Political terrorism and violent propaganda by the deed commonly looked to write a bloodied message proselytising that the illusionary natural order of things could be demolished, so as to allow for new worlds to grow amidst the ruins. Such semantics, however, were easily lost in translation, the violent, visceral reality of the act subsuming much of the ideological substance. Alexander II's killing was the first of a number of significant events and affairs that would strongly tie bloodshed and bomb plots to the anarchist movement, helping to provoke the medicalised discourses of deviancy to portray individuals sympathetic to anarchic ideas as congenitally degenerate, criminally insane, at all times prone to violent behaviour.³³³ Indeed, by the end of the nineteenth century the anarchist was so

³³² Ellis, *The Criminal*, p. 1.

³³³ Edward J. Erickson considers the psychopathologisation of anarchists by criminologists in France – and the hostility that such a model received by jurists – in 'Punishing the Mad Bomber: Questions of Moral Responsibility in the Trials of French Anarchist Terrorists, 1886-1897', *French History*, 22, 1 (2008), 51-73. For how psychopathology and the anarchist was united in Italy, but less so in Spain, see Richard Bach Jensen, 'Criminal Anthropology and Anarchist Terrorism in Spain and Italy', *Mediterranean Historical Review*, 16, 2 (2001), 31-44.

closely associated with the terroristic political villain the two were almost synonymous.³³⁴

Though Ellis did not explicitly associate the political criminal with the anarchist in 1890, he would in later editions of the text. In the 1901 edition he discussed Charles Perrier's (1862-1938) study of prisoners incarcerated in Nîmes,³³⁵ reiterating the findings that the majority of those condemned for crimes under the name of anarchy were not anarchists at all, and that the related acts of terrorism were predominately committed by 'ordinary criminals professing to be anarchists in order to frighten the authorities'.³³⁶ Ellis also mentions that of the 859 prisoners Perrier studied, only two were regarded as 'real anarchists', who had no disorder of intellect, were studious, reserved, and rather estimable figures.³³⁷ In the next edition of *The Criminal*, in 1910, Ellis writes a rather extensive note to his introduction of the political criminal. Over six pages, he discusses the two opposing schools of thought that contemplate the anarchist assassin. Whereas some presented anarchist offenders as political criminals impelled by ideological fervour, such as French jurist Louis Proal (1843-1900)³³⁸ and neurologist Edward Spitzka (1852-1914),³³⁹ physicians operating in the domain of the

³³⁴ For a history of the relationship between anarchism and terrorism in this period, including the contemporary perceptions of such a relationship, see Richard Bach Jensen, *The Battle against Anarchist Terrorism: An International History, 1878-1934* (Cambridge: Cambridge University Press, 2014).

³³⁵ Charles Perrier, *Les Criminels* (Lyon: A. Storck, 1900).

³³⁶ Ellis, *The Criminal*, third ed., p. 191.

³³⁷ Ibid. In 1900 Ellis had written a short review of *Les Criminels* for the *Journal of Mental Science*. As expressed in *The Criminal*, his main interest in Perrier's lengthy and highly detailed work is its brief refutation of supposed anarchist criminals and 'defence' of truly anarchist prisoners. Havelock Ellis, review of *Les Criminels* by Charles Perrier, *Journal of Mental Science*, 46, 194 (1900), 537 (p. 537).

³³⁸ Louis Proal dedicated a chapter to anarchist crime in *La Criminalité Politique* in 1895 (an English translation appeared in 1898). He saw the anarchists' political ideology and social malcontent as generating the criminal intent and act. With that said, he also considered further explanation to be found 'in the fanaticism that animates them and in the vanity by which they are eaten up'. Louis Proal, *Political Crime* (New York, NY: D Appleton and Company, 1898), p. 79.

³³⁹ Edward C. Spitzka would express animosity to the scientific assertions that anarchist assassins and other 'regenticides' should by definition share the same space occupied by criminals suffering from insanity or degeneracy. See, for example, E. C. Spitzka, 'Regenticides not Abnormal as a Class. A Protest Against the Chimera of "Degeneracy"', *Philadelphia Medical Journal*, 9, 6 (1902), 261-68, and idem, 'Political Assassins: Are They All Insane?', *The Journal of Mental Pathology*, 2, 1 (1902), 69-82.

mental sciences – Emanuel Régis (1855-1918)³⁴⁰ and Eugene Talbot (1847-1925),³⁴¹ for example – unsurprisingly grouped them into the same class of criminals as those driven by insanity.³⁴² Ellis would place himself amongst the former group, which occupied a middle ground, he thought, between those that erroneously believed all anarchist assassins surely suffered from insanity and those that believed they are merely ordinary criminals who offend for personal gain:

The genuine anarchist attacks rulers or leaders in the social state; far from seeking personal gain he knows that he is almost certainly devoting his own life to the cause he has at heart, and he seeks to justify his act by regarding it as a protest against a social system which is responsible for an incalculable amount of misery and death. No doubt it may be maintained that such acts of violence and such a standpoint are not strictly compatible with anarchism; the anarchist holds that the evils of the present social state are due to its violence and its forcible suppression of spontaneous social activity. Therefore by adopting the method of assassination he is accepting in its very worst form the evil he condemns.³⁴³

Ellis' criminological understanding led him to the conclusion that the anti-social environment against which the anarchist rebels is directly responsible for the anti-social actions the anarchist commits, even if those actions betray the agent's ideal. Shown by statistics to be young and relatively uneducated, the anarchist regicide's heinous deeds are born out of 'the most exalted and self-sacrificing altruism'. Such a motivation convinces one that to eradicate the suffering and poverty wrought by this life there is but one solution: 'the present social system must be destroyed to give way to a better'.³⁴⁴

³⁴⁰ Emanuel Régis took the opposing view to Spitzka. For him, the regicide was a particular criminal type. Though separated in their proclaimed dogmatic proclivity, be it of a religious, political, or racial countenance, regicides were united in that they were '[d]egenerates of a mystic temperament', suffering from 'delirium, complicated sometimes by hallucinations', who will 'under the influence of an obsession that is irresistible, kill some great personage, in the name of God, the country, Liberty or Anarchy'. E. Régis, 'The Regicides', *The Journal of Mental Pathology* 1, 3 (1901), 135-45 (p. 145).

³⁴¹ Eugene S. Talbot, an American physician and professor of dental surgery, was a strong proponent of ideas that saw degeneration and atavistic stigmata as central markers of criminality. In 'Degeneracy and Political Assassination' he attested that the frequency of degenerative markers observed in regicides casts doubt on the view that such crimes are environmentally engendered. See Eugene S. Talbot, 'Degeneracy and Political Assassination', *Developmental Pathology* (Chicago, IL: [S.n.], 1905). First published in *Medicine* (1901).

³⁴² Ellis, 'Appendix E. Additional Notes to Fourth Edition' in *The Criminal*, fourth ed. (London: The Walter Scott Publishing Co. Ltd., 1910), pp. 412-432.

³⁴³ *Ibid.*, p. 413.

³⁴⁴ *Ibid.*, p. 417.

Ellis turned on its head the commonly held belief that the political criminal was a figure devoid of reason or will, frenziedly acting upon his maniacal impulses to maim and kill. Instead, his actions were a conscious (albeit uneducated) response to his perceived destructive, anti-social environment, founded upon altruistic principles. Similarly defended was the ‘criminal by passion’. Passion and crime was a popular pairing in the Victorian press and fictional literature, reflecting and generating the public enthusiasm for sensationalism. As it began to be encircled by the psychiatric discourse of insanity, the basis of one’s impassioned moment of criminality could be conceptualised as a psychological condition.³⁴⁵ Ellis again presented the idea that strong social feelings could result in criminal acts, this time erupting from one’s unbalanced emotions in a largely involuntary response to a set of unfortunate circumstances. Here, an honest individual ‘possessed of keen, even exaggerated sensibilities [... would] under the stress of some great, unmerited wrong [...] wrought justice for himself [...] sudden madness’.³⁴⁶ Whereas the political criminal, possessing strong social sentiments, would *wilfully* respond to his circumstances with unlawful action, the impassioned criminal, overcome by the same feelings, would commit an offence in momentary insanity. In the first instance, sociopolitical circumstances act upon the individual to generate criminal thought. In the second, more personal, private affairs invoke underlying predispositions to violent outbursts. Affecting one’s psychological constitution, passion was to relate to crime in the same way that insanity did when it came to the question of criminal responsibility.

His sociological reading of crime, largely informed by his critical readings of Lacassagne, Quetelet, and Tarde, would underpin Ellis’ understanding of ‘occasional crime’. Though the political criminal and the ‘criminal by passion’ both fit into such a typological variant, the occasional criminal could remain distinct from the two, not necessarily possessing nor characterised by heightened social instincts. In fact, the examples of occasional criminals provided by Ellis are in common in that they resort

³⁴⁵ The crime of passion is one of the few subject areas that saw widespread consensus amongst criminological schools of thought. Lombroso and Ferri would join Lacassagne and Tarde treating such a category as ‘less criminal’, the criminal by passion almost indistinguishable from their non-criminal counterparts. This shared anthropological depiction that diminished such a criminal’s criminality or anti-social character was to appear with increasing frequency in criminal trials in the nineteenth century, perhaps most notably in France, where cases of ‘crimes passionel’ were seen, to the alarm of some, to increasingly result in acquittal. See Eliza Earle Ferguson, ‘Judicial Authority And Popular Justice: Crimes of Passion in Fin-de-Siècle Paris’, *Journal of Social History*, 40, 2 (2006), 293-315.

³⁴⁶ Ellis, *The Criminal*, p. 2.

to crime out of necessity, each individual is found stealing to feed oneself or one's children. Once again, the anti-social environment is depicted as a source of such criminal behaviour. Furthermore, there was a significant risk that the deleterious effects of punishment would transform the occasional criminal into the recidivist, the evils of one's surroundings again being charged as influencing their actions.³⁴⁷ With each of these three 'types' – the political, impassioned, and occasional – the individual is made to concede considerable agency to the social: inharmonious sociopolitical conditions give rise to the terrorist as it does the martyr who wilfully rages against the status quo; unfortunate circumstances often concerning the relationships between men and women bring about frenzied psychological episodes that can lead to acts of brutality; and the iniquitous socioeconomic world rears the criminal who steals out of necessity for survival. The social conditions of life were themselves guilty. They could blacken rational thought, aggravate good-natured passions, and remove the choice to act socially. Ellis traced crime not only to its psychopathological roots in the figure of the morally insane, but to all areas of human life. Crime, he insisted, when analysed thoroughly and scientifically, 'will be found not to stand alone' but 'made up of fibres that extend to every part of our social life.'³⁴⁸

Utopian Impulses

Crime was of course not the only subject that encouraged widespread concerns about decline and disorder in the closing decades of the nineteenth century. War, race, labour, health, population, private lives – such were but a handful of the issues that revolved around that extensive discourse of social (dis)organisation. Right across the northern hemisphere pervaded the notion that large-scale efforts of national reform had not brought about universal well-being, and disorder, strikes and riots saturated the 1880s and early 1890s. The economic and industrial boom in America was found to be a mere 'gild' that lay over underlying social deprivation. Russia's era of Great Reform had if anything encouraged the growth of malcontent directed at the sociopolitical situation. From country to country radical and revolutionary movements mobilised and grew,

³⁴⁷ Ellis, *The Criminal*, pp. 18-19.

³⁴⁸ *Ibid.*, p. 302.

both in number and in influence. Their calls for social change varied from the modest to the far-reaching, their methods from political reform to political terror. And yet, although the social conditions were a cause of the widespread discontent, a new way of life glittered on the horizon, pinpointed by the approaching threshold of the twentieth century. Ellis' criminological concerns did not dampen his spirits:

The problem of criminality is not an isolated one that can be dealt with by fixing our attention on that and that alone. It is a problem that on closer view is found to merge itself very largely into all those problems of our social life that are now pressing for solution, and in settling them we shall to a great extent settle it. The rising flood of criminality is not an argument for pessimism or despair. It is merely an additional spur to that great task of social organisation to which during the coming century we are called.³⁴⁹

Ellis' hopes and calls for change were optimistically directed towards wide-reaching social reorganisation. Though his panorama was occupied by a multitude of various subject areas, one must no longer misinterpret his political outlook as disparate, merely reactionary.³⁵⁰ Joining Carpenter at the Fellowship of the New Life, Ellis presented a 'new politics' that looked to penetrate both private and public life with the authority of secular naturalism, the epistemological frame through which he would look to find the solution that would secure the health and well-being of both the individual and society.³⁵¹ He would much later profess that his ideal view of society was indebted to that of Rousseau who, in Ellis' reading, rightly saw the individual as both a distinguishable, sovereign unit whose unique set of colours were as natural as the next

³⁴⁹ Ellis, *The Criminal*, p. 297. Such oscillation between hope and despair, expressed here in rather utopian terms, is the focus of Pick's 1989 study of what he calls 'the interlocking languages of progress and degeneration'. Pick, *Faces of Degeneration*, p. 3.

³⁵⁰ Phyllis Grosskurth's position that Ellis' politics is rather translucent and fleeting is perhaps the strongest of its kind, but Nottingham has rather comprehensively put these interpretations to bed by convincingly presenting his work and thought as belonging to that progressive 'new politics' of the late nineteenth century. Nottingham *The Pursuit of Serenity*, in particular pp. 173-218. For Grosskurth's comments on Ellis' apolitical stance, see Phyllis Grosskurth, *Havelock Ellis: A Biography* (London: Allen Lane, 1980), p. 61. Crozier, too, warrants credit for placing Ellis' sexology in its sociopolitical context. Ivan Crozier, 'Introduction: Havelock Ellis, John Addington Symonds and the Construction of *Sexual Inversion*' in Ellis and Symonds, *Sexual Inversion*, pp. 1-86.

³⁵¹ Carpenter became a good friend of Ellis and would help him with his sexological enquiries by providing case studies, not only of himself, but of friends and acquaintances.

and, at the same time, an embodiment of a collective whole.³⁵² Though Ellis unsurprisingly criticised what he saw as Rousseau's elevation in the *Second Discourse* of the passions at the expense of reason as the fundamental force for good in social organisation, he nevertheless found in 'the champion of the rights of passion' the roots of a revolutionary 'no' to the artificiality of Victorian social mores that retarded natural individuality.³⁵³

Ellis fictionalised his critique of Victorian ethics in *The Nineteenth Century: A Dialogue in Utopia* (1900) in the first year of the new century. Therein the reader encounters a discussion held in the far-off future between a historian – the voice of Ellis – and a young, inquisitive traveller; the flawed practices, institutions, and 'mentalité' of the nominal age the object of their conversation. The historian describes three conditions existing in the nineteenth century that distinguishes it from his and his interlocutor's era: the violence of nationhood; the misdirection of science and the misunderstanding of its role; and the lack of varied, 'natural' individuality. Each criticism could be comfortably placed within most reformist programmes of Ellis' time, respectively corresponding to anti-war and anti-imperialism sentiments, the fears that surrounded the use and misuse of science and technology, and a romantic individualism that yearned for a bygone way of life. Yet those very individuals who were most likely to have made such condemnatory evaluations of their age were also subjected to Ellis' censure. The reformer who expressed excessive 'moral force' sought only to impose on the individual another set of 'sacred' values. In its suppression of natural freedoms, 'moral force was just as dangerous and anti-social as physical force'.³⁵⁴ Any social code that did not allow for the free play of individual thought and predilection was at once anti-social. Ellis looked towards a vibrant, diverse society wherein all of humankind's varied natural impulses could be brought into harmonious activity:

The fundamental instincts and aptitudes of men can never change, nor the joys and sorrows they bring, but we can allow them to play in this direction or in that; we can bar the roads that make for inhumanity; we

³⁵² The anarchistic individualism that Ellis saw in Rousseau was that found in his *Second Discourse* (entitled 'A Discourse on the Origin of Inequality') and the qualities of socialism in *The Social Contract*. Havelock Ellis, *From Rousseau to Proust* (London: Constable and Company Ltd, 1936), pp. 97-98. For the *Second Discourse*, see Jean-Jacques Rousseau, 'A Discourse on the Origin of Inequality' in *The Social Contract and Discourses by Jean-Jacques Rousseau*, pp. 155-246. First published in 1754.

³⁵³ *Ibid.*, pp. 107-08.

³⁵⁴ Havelock Ellis, *The Nineteenth Century: A Dialogue in Utopia* (London: Grant Richards, 1900), p. 71.

can smooth those that make for humanity [...] [Eventually,] artificial barriers fall, and men are free to develop their own impulses in infinite diversity.³⁵⁵

The natural inclinations of individuals had to be freed from the fear of Victorian recrimination, and stable, supportive banks had to be built to encourage their natural and varied flow. This remains the most consistent paradigm of Ellis' sociopolitical thought. Eradicating the artificial immoralisation of aberrant personal impulses and harmonising all life with the natural sciences would form the basis of a new morality. Just as he had stressed when writing about dealing with the criminal, and as he would do so throughout his sexological studies, Ellis concluded his utopian novel by remarking that such a way of life was possible only once human relationships were fully understood and valued.³⁵⁶

Pursuing a knowledge of human relationships, Ellis began the twentieth century occupied with investigating the matters of sexual psychology, a passage of his scientific thought he had first introduced in *Man and Woman: a Study of Human Secondary Sexual Characters* (1894). The analysis of sexual drives and sexuality as scientific objects had emerged in Europe in the 1880s, and sexology as a discipline born in 1886 with the publication of Austro-German psychiatrist Richard von Krafft-Ebing's (1840-1902) *Psychopathia Sexualis*.³⁵⁷ His opening sexological work, *Sexual Inversion*, was the first of his seven-volume series *Studies in the Psychology of Sex*.³⁵⁸ Introducing the text, he explained that his reason for devoting a whole volume to the subject of homosexuality was that those who were the 'congenital subjects' of what was a 'natural and normal' instinct were the victims of English law and social stigma.³⁵⁹ Ellis, in agreement with Carpenter, believed that while homosexuality was a deviation from the 'normal' impulses, it was nevertheless 'natural':

³⁵⁵ Ibid, pp. 123-124.

³⁵⁶ Ibid., pp. 123-124.

³⁵⁷ For Krafft-Ebing's sexological thought and influence on the discipline's emergence and development, see Harry Oosterhuis, *Stepchildren of Nature: Krafft-Ebing, psychiatry, and the making of sexual identity* (Chicago, IL: The University of Chicago Press, 2000). For the emergence and development of sexology in Britain in the period of this thesis' focus, see Lesley A. Hall, *Sex, Gender and Social Change in Britain Since 1880*, second ed. (Basingstoke: Palgrave Macmillan, 2012), pp. 1-69.

³⁵⁸ Though completed in 1897, the nominal first text of *Studies in the Psychology of Sex* was *The Evolution of Modesty*, first published in 1899. The complicated history of the initial publication of *Sexual Inversion* is covered in Crozier, 'Introduction' in Ellis and Symonds, *Sexual Inversion*, pp. 53-60.

³⁵⁹ Ellis and Symonds, *Sexual Inversion*, p. 92.

When I review the cases I have brought forward and the mental history of invert I have known, I am inclined to say that if we can enable an invert to be healthy, self-restrained, and self-respecting, we have often done better than to convert him into the mere feeble simulacrum of a normal man. [...] The method of self-restraint and self-culture, without self-repression, seems to be the most rational method of dealing with sexual inversion *when that condition is really organic and deep-rooted*. It is better that a man should be enabled to make the best of his own strong natural instincts, with all their disadvantages, than that he should be unsexed and perverted, crushed into a position which he has no natural aptitude to occupy.³⁶⁰

The healthy individual who was able to restrain anti-social impulses and yet ‘make the best of’ his instinctual nature – whether homosexual or otherwise – did not warrant the treatment they received from the Victorian moralists. It was an outrage to Ellis that the private conduct of individuals could be brought into the domain of the law, as the 1885 Criminal Law Amendment Act had done so with sexual activity between men. His belief in the free play of individual instincts, whilst ensuring they were not directed towards anti-social ends, was prevalent in his sexology as it was in all of his thought. Homosexual instincts were as abnormal as those congenital variations that constituted genius or the exaggerated impulses that predisposed one to ‘criminal’ behaviour.³⁶¹ Feelings and emotions were not to be eradicated or repressed. Instead they were to be understood through scientific education, freed from the counterfeit currency of ‘vice’ and ‘virtue’, and brought under the individual’s control. This was Ellis’ priority in his manifesto for social organisation of the future. It was on this matter alone that in 1904 Ellis would praise Wells in his review of *Mankind in the Making*, commending his advocacy of a ‘sane, wholesome, frank’ sexual education that would leave behind what Wells called ‘the age of nasty sentiment, sham delicacy, and giggles’.³⁶²

Ellis’ position on sex and sexuality is related to his support for what he sees in Rousseau’s collectivist-individualism,³⁶³ tied by the stressed importance of both the individual’s passions and his reasoned, socially directed thought, to the benefit of all.

³⁶⁰ Ibid., p. 214. My emphasis.

³⁶¹ Ellis and Symonds, *Sexual Inversion*, pp. 204-7.

³⁶² Havelock Ellis, ‘Another Prophet: H. G. Wells’ in *Views and Reviews: A Selection of Uncollected Articles 1884-1932* (Boston: Houghton Mifflin, 1932), 204-12 (p. 212). First published in *Weekly Critical Review* (1904).

³⁶³ The reconciliatory interpretation of Rousseau as promulgating the idea that man was (or capable of being) both individualist- and collectivist-minded – as Ellis seems to have seen him – has been adequately put forward in recent years. See Jonathan Marks, *Perfection and Disharmony in the Thought of Jean-Jacques Rousseau* (Cambridge: Cambridge University Press, 2005), pp. 54-88.

It was also anchored by his engagement with the thought of Nietzsche. Even though the immoralist's reputation in Britain would be accounted more by his supposed philosophical connections with Nazism, Ellis played a central role in introducing his ideas in Britain.³⁶⁴ Ellis represented such thought as a meeting of that of Rousseau and the 'man of moral force'. He saw in him both Rousseau's elevation of the individual but discredit of reason and the man of moral force's fight against convention but insistence on his own moral code. As such, Ellis would on the one hand pour acclaim onto Nietzsche for his proclamation of the individuality in man and for his contempt for social mores and custom,³⁶⁵ but on the other disdain for his 'third stage' of unreason (admittedly complicated by mental illness) and the imposition of his own 'master-morality'.³⁶⁶ Such immoralism, as Ellis saw it, would allow for the *unrestrained* unleashing of the passions, dangerously uncoordinated by reason. Nietzsche's master-morality would be nothing but a monster's morality, that of the instinctive criminal whose absence of the inhibiting, socially directed impulses allow for the self-seeking instincts to run amok and bring ruin.³⁶⁷ At the same time, the master-morality appeared to Ellis as yet another decreed set of principles, thus antagonistic to individual human thought and conduct. Freedom and fluidity continually defined his utopian impulse. The Nietzsche he celebrated and with whom he identified was that of the middle period, 'a freethinker, emancipated from every law save that of sincerity' and though 'often impassioned, as yet always able to follow his own ideal of self-restraint'.³⁶⁸ Though it was a difficult balancing act, Ellis consistently held both freedom and self-restraint as the necessary conditions of all social organisation, needed to remedy 'the relationship between men'. It can be found in his criminological perspective, whereby instinct-repressing secular and religious codes merely weaken an individual's constitution, who instead needed the social, psychological and biological support to allow for innate morality to 'hold its opposing immorality in check'.³⁶⁹ It can be found in his

³⁶⁴ Dan Stone, *Breeding Superman: Nietzsche, Race and Eugenics in Edwardian and Interwar Britain* (Liverpool: Liverpool University Press, 2002), pp. 13-14. Ellis' three articles on Nietzsche appeared in *The Savoy* in 1896 and he would later collate them as a chapter, largely unchanged, in his 1898 *Affirmations*. See Havelock Ellis, 'Friedrich Nietzsche', in three parts, *The Savoy*, 2 (1896), 79-94, 3 (1896), 68-81, and 4 (1896), 57-65; and idem, *Affirmations* (London: Walter Scott, 1898), pp. 1-85.

³⁶⁵ Ellis, *Affirmations*, pp. 21, 70-71.

³⁶⁶ Ibid., pp. 38-39, 68, 75-76.

³⁶⁷ Ellis, *The Criminal*, p. 5.

³⁶⁸ Ellis, *Affirmations*, p. 35.

³⁶⁹ Havelock Ellis, *The Task of Social Hygiene* (London: Constable & Co., 1912), p. 308.

sexological views, whereby all impulses, normal and abnormal, must be permitted free expression, so long as one's fellow men and women did not suffer harm. And it can be found, in its most troublesome form, in his writing on eugenics.

Eugenics

Largely lacking in the faculties of reason or restraint, prone to impulsively acting on the rush of passions or strong belief, the criminal and his behaviour would be a product of biological and psychosocial conditions. Moral and legal responsibility of one's actions was a difficult notion to define, understand, and locate, existing as it did somewhere on that uncertain borderland between unreason and malice.³⁷⁰ For Ellis, however, it did not have to be an uncertainty upon which to dwell too long. Writing in 1900, perhaps with thoughts of utopian statecraft still fresh in his mind, he would address the problem of responsibility rather curtly in the new preface to the third edition of *The Criminal*:

The antiquated traditions concerning "responsibility" which rule in our law courts make it necessary to waste an extraordinary amount of time and energy, and to pile up many metaphysical absurdities, in deciding whether a criminal is or is not "responsible";—a state of things long since satirised by the brilliant author of *Erewhon*. It is really all very unnecessary. "Responsible" or "irresponsible," sane or insane, it is still necessary, alike in the interests of society and of the criminal himself, that the criminal should be brought into a condition in which he will no longer be injurious to society, or, failing that, be secluded from society. Doubtless it must remain the primary business of law to ascertain the facts of the crime. But it must become the business of science to deal with the criminal.³⁷¹

A rather illiberal shadow of Ellis' criminological thought comes into the foreground. Criminal responsibility was to be disregarded by 'the business of science'. The question

³⁷⁰ Wiener's historical purview of the origins, development, uses, and effects of the notion of criminal responsibility in this period remains in my opinion the soundest. See Wiener, *Reconstructing the Criminal*, in particular pp. 83-91, 122-41, and 143-224.

³⁷¹ Ellis, *The Criminal*, third ed., pp. xvii-xviii. Samuel Butler's 1872 satirical utopia *Erewhon* turns the Victorian notion of criminal responsibility on its head in an attempt to expose its inadequacies. In *Erewhon* those who willingly offend are treated with compassion and helped to recover from their 'malady', whilst those who suffer from illness and misfortune are found guilty and punished accordingly.

of how and to what extent the interests of society would come to limit the individual's behaviour bubbled under Ellis' words, and would increasingly disturb that ideal picture of individual freedom.³⁷²

Ellis' enquiries into sex and sexuality were directed towards developing the epistemological field of deviance and abnormality. They were also of a sociopolitical pursuit in that he believed they would have a fundamental use in the social organisation of future generations. His studies very soon became preoccupied not with deviance, but with the matter of procreation. Long had he been preoccupied with the study of heredity, and in 1901 produced a series of articles entitled 'A Study of British Genius' printed monthly in *Popular Science Monthly*, an investigation 'to start from the point where Mr. Galton's [*Hereditary Genius*] left off'.³⁷³ The first time these two areas of enquiry, sex and heredity, explicitly met in Ellis' writing was in his response to Galton's eugenic paper 'Restrictions in Marriage', read before the Sociological Society at the University of London on Valentine's Day, no less, in 1906. The movement for eugenic legislation had gained momentum two years earlier, which saw Galton's inaugural lecture at the Sociological Society in 1904 and the government's appointment later that year of the Royal Commission on the Care and Control of the Feeble-Minded. In his response, Ellis agreed that it would be to society's benefit if those that could be described as 'bad stocks' were to not propagate. But he was critical here of Galton's ideas in a similar vein as he was to those of Lombroso in *The Criminal*: theirs were noble, scientific pursuits but their conclusions were, as Wells had found, perhaps a little premature, lacking in the same scientific rigour with which they carried out their investigations. In particular, Ellis was not an advocate for the 'artificial manipulation' in human progeny. And yet there was an ambiguity in this position of his that would repeatedly emerge in his writing on eugenics throughout his life:

It would be something, however, if we could put a drag on the propagation of definitely bad stocks, by educating public opinion and so helping forward the hemigamy, or whatever it is to be called, that Mr.

³⁷² This questionable aspect of Ellis' social philosophy is perhaps well represented in his new appendix on the Elmira prison. Despite investigations during the 1890s into the physical and mental abuse of prisoners, he would still staunchly defend the methods and goals of the institution. See Ellis, 'Appendix C. Elmira', in *The Criminal*, third ed. (London: Walter Scott, 1901), pp. 392-95, 400-02. For the 'benevolent repression' of prisoners at Elmira during these years, see Alexander W. Pisciotto, *Benevolent Repression: Social Control and the American Reformatory-Prison Movement* (New York, NY: New York University Press, 1994), pp. 33-59.

³⁷³ Ellis, *A Study of British Genius* (London: Hurst and Blackett, 1904), p. viii. First published as a series of articles in 1901.

Galton foresees. When two stocks are heavily tainted, and both tainted in the same direction, it ought to be generally felt that union, for the purposes of procreation, is out of the question. There ought to be a social conscience in such matters. When, as in a case known to me, an epileptic woman conceals her condition from the man she marries, it ought to be felt that an offence has been committed serious enough to annul the marriage contract.³⁷⁴

Ellis fell short of supporting the idea of legislative means to pursue eugenical ends in marriage. It begged the question, nevertheless, of what possible form of coercive powers a 'social conscience' would be able to generate and, regarding the annulment of marriage to which he refers, exactly whose feelings would be representative of such sentiment? This question of legality would run through his career when it came to the social question of marriage, sex, and parentage. In 'Eugenics and St. Valentine', an article that extends his written response to Galton's lecture, Ellis categorically stated:

In considering this question, therefore, we are justified in putting aside not only every kind of human breeding resembling the artificial breeding of animals, but also, at all events for the present, every compulsory prohibition on marriage or procreation. We must be content to concern ourselves with ideals, and with the endeavour to exert our personal influence in the realisation of these ideals.³⁷⁵

Rather than enforced through arbitrary, legal prohibitions, the eugenic ideal would 'be absorbed into the conscience of the community like a kind of new religion, and would *instinctively and unconsciously influence the impulses of men and women*'.³⁷⁶ Rather than hasty legislative reform, Ellis hoped for a gradual revolution of universal thought towards such matters, a sexual enlightenment. This was not entirely directed at the working or unworking poor, the target of so many eugenic agendas, that which has been shown to have formed the bulk of Well's definition of the 'unfit'. Ellis was particularly concerned with the 'fatal influence of wealth and position' that made prospective suitors attractive, those couples that would never partner 'were love and eugenic ideals left to go hand in hand'. Just as Kropotkin would argue at the 1912

³⁷⁴ Ellis, 'Written Communications', *Sociological Papers*, 2 (London: Macmillan & Co., 1906), 27-28 (p. 28).

³⁷⁵ Ellis 'Eugenics and St. Valentine', *The Nineteenth Century and After: A Monthly Review*, 59, 351 (1906), 779-87 (p. 781).

³⁷⁶ *Ibid.*, p. 786.

Eugenics Congress in London, Ellis expected the ‘eugenic ideal’ to grapple with the poor, with the criminal ‘and still more resolutely with the rich’.³⁷⁷

It was another question altogether, however, for that class of individuals whose impulses would in all likelihood be unresponsive to the enlightenment of eugenic thought. Those members on the edges of the community who would not, he perceived, be in control of their reason and instincts were of significant concern for Ellis. By 1901, we must remember, he had classified the ‘mentally deficient’ as closely related if not identical with the instinctive criminal. By 1910 he clearly expressed support for the Royal Commission’s promotion of segregating the mentally deficient. Such procreative restraints would be a means, in his opinion, to assist the task of criminology.³⁷⁸ Such advocacy for legislative means for institutions to segregate the mentally deficient would be the furthest Ellis would go when it came to compulsory measures of prohibiting procreation. He would repeatedly state that the enforced sterilisation of the unfit – an idea that was gaining some popularity in early twentieth-century British discussions that concerned the treatment of the mentally disabled, and infamously advocated by Churchill – though a noble idea when adopted voluntarily, was tyrannical.³⁷⁹ But mirroring the lack of clarity in his views on marriage restrictions, with unstable notions of ‘social conscience’ and coercion, Ellis’ position on sterilisation would also become somewhat unsettled, perhaps affected by the horrors of war. Amongst his concluding remarks in ‘Birth-control and Eugenics’, published in *The Eugenics Review* in 1917, the tyranny of involuntary segregation and sterilisation does not anymore appear to him so unfavourable:

[W]e need not trouble over-much concerning hasty eugenic legislation and the legal regulation of marriage. No doubt such legislation and regulation will from time to time be attempted, with whatever success, in new and crude communities. They have brought on eugenists the charge of being faddists and cranks. They may be disregarded. The lines of eugenic progress are clear. There will be time to invoke compulsion and the law when sound knowledge has become universal, and when we are quite sure that those who refuse to act in accordance with sound

³⁷⁷ Ibid., p. 786.

³⁷⁸ Ellis, *The Criminal*, fourth ed. (London: The Walter Scott Publishing Co. Ltd., 1910), p. xiii.

³⁷⁹ See Ellis, ‘The Sterilisation of the Unfit’, *Eugenics Review*, 1, 3 (1909), 203-06 (p. 205); idem, ‘Appendix E. Additional Notes to Fourth Edition’ in *The Criminal*, pp. 429-30; idem, *The Task of Social Hygiene*, pp. 30-31, 44-45, 402. For an overview of measures taken in Britain to prevent procreation amongst those deemed to be mentally unfit, see John P. Radford, ‘Sterilization versus segregation: Control of the Feeble-minded, 1900–1938’, *Social Science & Medicine*, 33, 4 (1991), 449-458.

knowledge refuse deliberately or because they are congenitally incapable of doing anything else. These constitute the irreducible nucleus of the incapable group. They are at one a real anti-social danger and a focus of racial poisons. But they are a comparatively small and entirely manageable number of persons. It is on this nucleus that we not only may but must apply such degree of pressure as may be necessary, alike in the interests of the community of to-day and the race of to-morrow. This pressure may in the mildest degree consist of such elementary social inducements as the group may be amenable to, proceeding to sterilisation when these inducements fail, and in the ultimate and extreme degree to complete segregation.³⁸⁰

Though Ellis made apparent there would be no ‘fatuous and futile methods of imposing [eugenic] compulsion on the community at large’, the endorsement of forcibly sterilising or segregating the ‘real anti-social danger’ is alarmingly clear here.³⁸¹ Though he would later revert back to opposing all enforced sterilisation, even in the case of the institutionalised mentally deficient, Ellis clearly had trouble negotiating the line between his championed society of free, self-controlled individuals and the very real requirements of social order, complicated by the figure who lacked the faculties of reason and restraint. At the foundation of his sociopolitical pursuits he is caught in a struggle between, on the one hand, his utopian idealism and, on the other, his radical reformism. The belief in a higher, naturally collective conscience emerging through both education and the eradication of artificial restraints was in Ellis challenged by the demands of a more practical outlook on social reform directed at ridding society of its criminal and anti-social elements.

Crozier has interpreted Ellis’ positions on eugenics in light of his scientific naturalist principles.³⁸² Nottingham reads them as part of his new politics in social organisation.³⁸³ They are, of course, both correct. Scientific epistemology and methodology underlies all of Ellis’ writing on eugenics, crime and sexuality, and at the same time his political vision ran through his life’s work. Social organisation required the tools that scientific pursuit would provide, just as scientific enquiry was to be

³⁸⁰ Ellis, ‘Birth-control and eugenics’, *The Eugenics Review*, 1, 9 (1917), 32-41 (p. 41).

³⁸¹ Without wanting to psychoanalyse Ellis, I am inclined to think that such inconsistency on compulsory eugenics was perhaps partially caused by the distress of the savagery and devastation of the First World War. Ellis would much later make clear his opposition to compulsory sterilisation of the mentally deficient in his letters to the Eugenics Society’s general secretary, Carlos Paton Blacker. See, for instance, Havelock Ellis to Carlos Paton Blacker, 2 Jan 1931, Contemporary Medical Archives Centre, Wellcome Institute, PPCPB/B/5/1.

³⁸² See, for example, Ivan Crozier, ‘Havelock Ellis, Eugenicist’, *Studies in History and Philosophy of Biological and Biomedical Sciences*, 39, 2 (2008), 187-194.

³⁸³ See fn. 46 above.

directed by sociopolitical vision. Ellis saw society and its citizens as objects that could be explained and defined by the natural sciences, whilst the human body and its sociobiological relationships with those bodies that surrounded it could be penetrated and changed by politics. Society lived, and life had to be socialised. In ‘Individualism and Socialism’ (1912), a sequel of sorts to Grant Allen’s 1889 article of the same title and included as a chapter in *The Task of Social Hygiene* (1912), he would wed the biological and the social in no uncertain terms:

Just as the animal is, as Hegel, the metaphysician, called it, a “nation,” and Dareste, the physiologist, a “city,” made up of cells which are individuals having a common ancestor, *so the actual nation, the real city, is an animal made up of individuals which are cells having a common ancestor*, or, as Oken long ago put it, individuals are the organs of the whole. Man is a social animal in constant action and reaction with all his fellows of the same group—a group which becomes ever greater as civilization advances—and socialism is merely the formal statement of this ultimate social fact.³⁸⁴

In this view, the ideology of socialism was merely a sociobiological observation. Society was to the human individual what the latter was to the single cell, the development of cities and nations merely a matter of cellular multiplication. As each cell naturally worked collectively to secure the good health of the *human* body, the individual reproduced such cooperative tendencies towards the well-being of the *social* body. For Ellis, the natural sciences formed the epistemological basis of socialism.

From this position, he would assert that the sociopolitical poles of individualism and socialism were separated along sociobiological lines, and their dichotomy was the conflict between the determinism of, respectively, hereditary design and that of the environment. Ellis saw in individualism the eugenic ideal; each stressing that well-being is only ensured through self-regulation and self-improvement, and that the quality and robustness of individuals was integral to a strong and successful society. Equally, he interpreted socialism as an environmentalism that looked to ensure the welfare of the individual through harmonised social order, and a well-arranged society would guarantee the health and happiness of all. But Ellis believed that rather than a conflict between the two there was an ‘underlying harmony’ that needed to be

³⁸⁴ Ellis, *The Task of Social Hygiene*, p. 387. First published as an article in *The Contemporary Review* (1912).

evoked.³⁸⁵ Though socialism was the ‘formal statement’ of the natural order, if it was pursued at the expense of the principles of individualism, he feared, it would result in the ‘unfit’ classes living comfortably, recklessly extending their blighted bloodlines, bringing ruin to society. For Ellis, the eugenic principles of individualism were needed to counter this susceptibility of socialism. In the task of social hygiene, ‘each is key to the other’.³⁸⁶ The results of a harmonious individualism and socialism directing sociopolitical endeavours would result in healthy human bodies, freely acting on both impulse and reason, naturally directing their conduct towards social means.

Ellis’ hopes for the consonance between individualism and socialism, replicated in that of the eugenic ideal and environmentalism, is founded on his wider sociobiological views. When he interacts with the thought of Nietzsche and Rousseau, he sees in their political ideas the same tensions that he encounters in his criminological and sexological studies. The individualism Ellis so admired in Nietzsche – that found in his middle period – stressed both impulsive self-expression *and* restraint of excess, wild and free movement *but always* control.³⁸⁷ The same advocacy of self-regulated passion has already been seen to flow through his writing on sex and sexuality. If such freedom was unaccompanied by temperance it would cause the ‘ignominious collapse’³⁸⁸ of the individual’s self-control and develop into a mania that would threaten the safety of society. Such was the danger of Nietzsche’s third-stage immoralism, and also of the excessive egoism of Max Stirner (1806-1856), who Ellis saw treading the borderland of insanity.³⁸⁹ Similarly, when Ellis reads in Rousseau’s *The Social Contract* the idea that social organisation shapes otherwise freely born men, he encounters the problem of sociobiological determinism, remarking how ‘disease, lunacy, prostitution, criminality are all the results of bad social and economic conditions’ unless congenital health is ensured.³⁹⁰ He approached the question of social

³⁸⁵ Ibid., p. 399.

³⁸⁶ Ibid., p. 399.

³⁸⁷ Ellis, *Affirmations*, p. 69.

³⁸⁸ Ellis, *Affirmations*, p. 70.

³⁸⁹ Ellis, *The Task of Social Hygiene*, p. 393.

³⁹⁰ Ibid., p. 392. For a study of the similarities in Rousseau and Nietzsche’s moral politics, see Katrin Froese, *Rousseau and Nietzsche: Toward an Aesthetic Morality* (Lanham, MD: Lexington Books, 2001). Keith Ansell-Pearson argues that it is ‘the antinomies of modern political life (between individual and society, man and citizen, autonomy and authority, freedom and necessity)’ that determines both Rousseau’s and Nietzsche’s political thought, the former being the first to articulate such a condition. It is on such tensions (and the hope of reconciliation) that Ellis would engage with the two philosophers’ thought. Keith Ansell-Pearson, *Nietzsche contra Rousseau: a study of Nietzsche’s moral and political thought* (Cambridge: Cambridge University Press, 1991), p. 22.

organisation in the same way that he would direct his criminological and sexological studies. In each case, at all times, Ellis was conducting a sociobiological enquiry into human relations. And from whatever line of enquiry he stood at, when he encountered the poor function of such relations he would find social and biological imbalances in reciprocity. 'Unchecked' socialism would result in the propagation of 'the weak, the incompetent, and the defective',³⁹¹ whilst both rampant individualism and a sexually repressive society could lead to maniacal and hysterical behaviour. Anti-social passions could be invoked by an unjust and tyrannical society, and crime could be the result if the 'natural' criminal tendencies were not arrested in the young. For Ellis, addressing the problem of human relations was a matter of resolving both social and biological imbalances.

Ellis saw the social reform of the nineteenth century as divided into four stages, each successive stage reinforcing its predecessor. The first was the attempts at making cities more hygienic and ordered, seen in for instance the creation of drainage and lighting systems, and the restructuring of policing. The second saw the legislation for and regulation of working conditions. Third came systematised and wider-reaching education. The fourth stage concerned the protection and support of the child from birth. Ellis' eugenic ideals would form what he hoped to be the fifth stage of social organisation, ensuring the congenital health of the population. The purification of the stream of life at its source would rely on the previous stages; strong banks that would allow it to run its many, varied courses. Poorly organised, unsupportive banks would, of course, only muddy the waters. It had long been Ellis' conviction that such a dual nature of social organisation, supporting both the environmental and hereditary domains of life, of which were the respective concerns of socialism and individualism, was necessary to stop the flood of criminality and anti-social behaviour:

There are two factors, it must be remembered, in criminal heredity, as we commonly use the expression. There is the element of innate disposition, and there is the element of contagion from social environment. [...] Practically, it is not always possible to disentangle these two factors; a bad home will usually mean something bad in the heredity in the strict sense.³⁹²

³⁹¹ Ellis, *The Task of Social Hygiene*, p. 399.

³⁹² Ellis, *The Criminal*, pp. 91-92.

It would not be sufficient to rely solely on the environment or on heredity to prevent crime. A good environment could not prevent the birth of those with anti-social inclination, nor could good births prevent the making of criminality. A mutually reciprocal relationship existed between the two, a belief which led Ellis, like it did Wells, to think about the complexity of crime in that unsettled space that exists between the body and the environment. A bad home could not only encourage one to act criminally, but could infect the gene pool with criminality. And those with the ‘innate disposition’ of criminality could not only reproduce its kind, but build a bad home. This idea is inherent to Ellis’ dismissal of eugenic pursuits if done at the expense of the environmental conditions of life, and is surrounded by his unifying perspective of socialism and individualism. It is also, as has already been mentioned and will be elaborated later, very similar to the ideas expressed by Kropotkin at his speech at the Eugenics Congress of 1912. Indeed, Ellis’ belief in the harmony between individualism and socialism, articulated within a sociobiological discourse, is strikingly close to what Richard Morgan has shown to be Kropotkin’s biopolitical anarchist socialism.³⁹³ In an article in 1887 that would later be included as a chapter in *The Task of Social Hygiene*, discussing how nineteenth-century social organisation has seen some success in supporting both individual freedom and social cohesion, Ellis would state:

These two tendencies, so far from being antagonistic, cannot even be carried out under modern conditions of life except together. It is only by social co-operation in regard to what is commonly called the physical side of life that it becomes possible for the individual to develop his own peculiar nature. The society of the future is a *reasonable anarchy* founded on a broad basis of Collectivism.³⁹⁴

It can be assumed that the balanced, free play of passions, coordinated by reason, would in Ellis’ opinion flourish in a ‘reasonable anarchy’. Such a phrase describes the best of what he saw in Nietzsche and Rousseau. A ‘reasonable anarchy’ was Ellis’ utopia, portrayed as such in his 1900 novel: a free, expressive and accepting existence, devoid of sexual repression, congenital disease, and crime.

³⁹³ Richard Morgan, ‘The Interplay of Politics and Science in the Making of Petr Kropotkin’s Modern Anarchism’ (unpublished PhD, University College London, 2015).

³⁹⁴ Ellis, *The Task of Social Hygiene* (London: Constable & Co., 1912), p. 55. First published as an article in the *Westminster Review* (1887).

Chapter Four: Peter Kropotkin

The contrast in tone between the wild anarchism of Prince Kropotkin's French speeches and the studied moderation of his English magazine articles on Russian and French Prisons is very striking. In his speeches he is a wild dreamer and revolutionist of the most advanced type. In his articles he is a sober historian, narrating his own or his friends' experiences; a moderate reformer, fully alive to the limits within which reforms are possible, and to the difficulties which beset, and too often defeat, the very best intentioned efforts at reform.³⁹⁵

John Chapman, 'Politics, Sociology, Voyages and Travels' (1887)

John Chapman (1821-1894) held in opposition the 'wild dreaming' of Kropotkin's sociopolitical views and the 'moderate reformism' exhibited in his criminological work. Editing and writing for the *Westminster Review* whilst residing in Paris, having moved there in 1874, Chapman was in a suitable position to deliver to the British public a portrait of the man. And yet though he was depicted by Chapman as both a fierce anarchist who had three years earlier been arrested and tried by the French authorities and a measured social scientist who wrote a 'sober' account of crime and punishment whilst imprisoned in Lyon, the spaces in which Kropotkin simultaneously participated have been shown by those who have sought to understand his ideas to be rather less distinct. Ruth Kinna, in particular, has legitimatised the perspective that Kropotkin's revolutionary political aims directed his anthropological studies on human biology and behavioural ecology.³⁹⁶ And, more recently, Morgan has shown how Kropotkin's political thought is to be seen as a site of 'the fluid interplay of science [and] his understanding of anarchism', wherein the transformative interaction between sociobiological knowledge and method and anarchist critique and projection allowed for Kropotkin to form a new, biopolitical anarchism.³⁹⁷ The tone of his speeches compared to that of his articles on crime and prisons might well have been strikingly dissimilar. Yet that is not to say that Kropotkin's sober endeavours into history, his

³⁹⁵ John Chapman, 'Politics, Sociology, Voyages and Travels', *Westminster Review*, 128, 1 (1887), 498-504, p. 501.

³⁹⁶ Ruth Kinna, 'Kropotkin's Theory of Mutual Aid in Historical Context', *International Review of Social History*, 40, 2 (1995), 259-83.

³⁹⁷ Morgan, 'Petr Kropotkin's Modern Anarchism', p. 171.

case studies and observations integral to an inductive-deductive method, and his reasoned, realistic conclusions devoid of utopian dreaming – all to which Chapman refers – were missing from his anarchist lectures. His revolutionary politics was intimately related to the epistemological assumptions and methodological approaches he had borrowed from the natural and social sciences. When Kropotkin conducted his sociobiological studies into crime, criminality, morality, and punitive technologies, it was at all times a political enquiry. There were instances, presumably unbeknownst to Chapman, when the two spaces – that of the criminological and that of the political – were more obviously coalescent:

Burn the guillotines; demolish the prisons; drive away the judges, policemen and informers [...] No more laws! No more judges! Liberty, equality, and practical human sympathy are the only effectual barriers we can oppose to the anti-social instincts of certain among us.³⁹⁸

Kropotkin's discussion of crime and punishment could at times ring of his 'wild anarchism'.

In Russian and French Prisons

Kropotkin's first writing on prisons appeared at the beginning of the eighties, timely reflections of the previous decade's swell in revolutionary activity and political trials, of which his own experience included two years' detention in St Petersburg's Peter and Paul Fortress following his arrest in 1873 for political agitation. 'An Appeal to the Young' (1880), written with the intent to ignite the revolutionary spirit amongst the youth of Europe, included an overview of his objections to the prison system: such punishment is unfair to the individual who is forced to steal to feed family members; it is unsuitable for those whose criminal behaviour is caused by mental illness; and penalising the ill-fated members of an inequitable society with imprisonment is illogical, for it is the very environment itself – wherein there reverberates the mantra

³⁹⁸ Peter Kropotkin, *Law and Authority. An Anarchist Essay* (London: International Publishing Co., 1886), p. 23. First published in French as 'La Loi et l'Autorité' in *Le Révolté* (1882).

of all-against-all individualism – that is accountable.³⁹⁹ Following ‘To The Young’, and after briefly discussing the deplorable conditions of Russia’s prisons in an article that addressed the treatment of revolutionaries during Alexander II’s reign,⁴⁰⁰ Kropotkin extended his criticism of penal servitude in general in ‘Law and Authority’ (1882). Perhaps more worrying than those failures listed in his previous castigations, incarceration, Kropotkin insisted, was harmful to individuals’ moral and mental faculties.⁴⁰¹ Rather than a punitive measure that both deters individuals from acting immorally and rehabilitates those who have already done so, the prison is an incubator of crime, dehumanising its inhabitants, begetting the habitual criminal.⁴⁰² Soon after ‘Law and Authority’ was first serialised in *Le Révolté*, Kropotkin contributed his first prison-focused commentary, while incarcerated, no less, in Lyon’s *Maison d'Arrêt* as he was sentenced for being a member of the outlawed First International.⁴⁰³ ‘Russian Prisons’ (1883), printed in Britain in *The Nineteenth Century*, was largely written in response to Reverend Henry Lansdell’s (1841-1919) favourable accounts of the Russian and Siberian prison system.⁴⁰⁴ Lansdell quickly answered the article with one of his own in *The Contemporary Review* which was, in turn, countered with another from the imprisoned anarchist, then residing in Clairvaux’s *Maison Centrale*, having being transferred from Lyon.⁴⁰⁵ Kropotkin’s two articles in *The Nineteenth Century* began a series of his scolding portrayals of the institution of detention to be printed in the periodical, the last coming shortly after his release from Clairvaux and focusing, naturally, on French prisons.⁴⁰⁶ These were then revised and collated, along with five

³⁹⁹ Peter Kropotkin, ‘An Appeal to the Young’ in *Kropotkin’s Revolutionary Pamphlets: A Collection of Writings by Peter Kropotkin*, ed. by Roger N. Baldwin (London: Dover Publications, 1970), pp. 261-82 (pp. 267-69) First published in French as ‘Aux Jeunes Gens’, *Le Révolté* (1880). For Kropotkin’s thought on prison, punishment, and crime within the framework of his biopolitical anarchism, see Morgan, ‘Petr Kropotkin’s Modern Anarchism’, pp. 113-29

⁴⁰⁰ Peter Kropotkin, ‘The Russian Revolutionary Party’, *Fortnightly Review*, 31, 185 (1882), 654-71. First published as a series of letters in *The Newcastle Chronicle* (1881).

⁴⁰¹ Kropotkin, *Law and Authority*, pp. 5-6.

⁴⁰² *Ibid.*, p. 22.

⁴⁰³ The First International had, of course, already been disbanded by then. The report of the proceedings highlights the absurdity of the accusations and questioning in this show trial. See [Anonymous], ‘The Trial of the Anarchists at Lyons’, *Liberty*, 2, 7 (1883), 1-4.

⁴⁰⁴ Peter Kropotkin, ‘Russian Prisons’, *The Nineteenth Century*, 13, 71, (1883), 27-44; Henry Lansdell, *Through Siberia*, 2 volumes (London: Sampson Low & Co., 1882).

⁴⁰⁵ Henry Lansdell, ‘A Russian Prison’, *The Contemporary Review*, 43, 1 (1883), 275-88; Peter Kropotkin, ‘The Fortress Prison of St Petersburg’, *The Nineteenth Century*, 13, 76 (1883), 928-49.

⁴⁰⁶ In addition to ‘Russian Prisons’ and ‘The Fortress Prison of St Petersburg’, the original *Nineteenth Century* articles are as follows: Peter Kropotkin, ‘Outcast Russia’, *The Nineteenth Century*, 14, 82 (1883), 964-76; *idem*, ‘Exile in Siberia’, *The Nineteenth Century*, 15, 85 (1884), 475-93; *idem*, ‘In French Prisons’ *The Nineteenth Century*, 19, 109 (1886), 407-23. Citations refer to the 1887 publication unless stated otherwise.

new chapters, for his *On Russian and French Prisons*, on which this chapter now focuses.

As he recounts, Kropotkin's first experiences with prisons were in an administrative role. As a Lieutenant of the Amúr Cossacks posted in the Transbaikalian region in 1862, he was appointed secretary to the local government committee tasked with drawing up a manifesto for the improvement of Russia's penal system. In agreement that the institution of Siberian exile was 'a disgrace to humanity' and needed eliminating, Kropotkin and the committee appealed for law-breakers to be justly treated without expulsion.⁴⁰⁷ They called for the abolition of solitary confinement and the use of prison cells altogether, while short sentences and fair labour were endorsed – the latter suggestion for improvement also having the pragmatic element of being a means to support prisons' financial sustainability. In general, it was concluded that penal institutions should be re-modelled as modern reformatories. However, though socioeconomic reform promised to be the defining paradigm of the age, Kropotkin's proposals were silenced as they passed through the obdurate ears and bureaucratic disharmony of Alexander II's Russia.⁴⁰⁸ Years later, writing *In Russian and French Prisons*, Kropotkin would come to realise that such an approach made radical reform impossible. The system of incarceration as punitive discipline was an ideological canon so culturally ingrained as essential to the sociopolitical functionality of European nations that, no matter the proposal or the era in which it was made, remedy would not come from the inaudible recommendations made within the machinery of government:

I must confess that at that time I still believed that prisons could be reformatories, and that the privation of liberty is compatible with moral amelioration ... but I was only twenty years old.⁴⁰⁹

The answer to the issue of crime and criminality in Russia would emerge only through the fundamental reorganisation of society:

[T]o see a new departure in the Russian penal institutions we must wait for some new departure in Russian life as a whole.⁴¹⁰

⁴⁰⁷ Kropotkin, *In Russian and French Prisons*, p. 17.

⁴⁰⁸ Ibid., pp. 17-20.

⁴⁰⁹ Ibid., p. 18.

⁴¹⁰ Ibid., p. 23.

Here flows the undercurrent of Kropotkin's criminological tract. No humanitarian reform of the criminal justice system would come to the good of both the individual and society alike as long as there remained practices within it that subjected those who were deemed to have acted immorally with harm or loss (particularly, with regards to the latter, loss of their freedom). Modern reformatories would be built on rotten foundations; the two pillars of the institution of criminal law, discipline and punishment, had to be altogether felled. Furthermore, as Kropotkin suggests, very little success would come from removing these two strategies of power from the command of law-makers, policemen, judges, and jailers alone if discipline and punishment remained to be fundamental mechanisms of society as a whole. Those striving for radical reform were fighting a losing battle if criminology remained a narrow inquiry centred on changing laws and modifying systems of incarceration, for such treatment would lead merely to symptomatic remedy, and the pathogenesis of the disease extended far beyond these environments.

Kropotkin closed the introduction by alleging that the current state of Russia's penal system, after the failed attempts of reform in the sixties, which were repeated in the seventies, was very much in the same condition as it had been for over two decades. In the following chapter, a slightly revised version of the initial refutation of Lansdell's accounts of Russian prisons, he set about describing and evaluating the extent of their ruin. Expressing the view that society shares the blame for the criminal behaviour of its constituents,⁴¹¹ Kropotkin contends that the prison fails in its modern objective to 'purify and improve' those who have committed criminal acts. Not only does the incarcerative ideal fail in practice – for the jailers and prison officials, corrupted by their positions of disciplinary authority, act inhumanely (a sentiment expressed by Wells) – but by its very principles it can only ever instil in those whom it deprives

⁴¹¹ Such a view was epitomised and popularised by Lacassagne's expression 'In our times, justice withers, prison corrupts, and societies have the criminals they deserve'. This position gained popularity, as Lacassagne suggests in his preface to Emile Laurent's 1890 criminological study of Paris prisoners, after he presented it at the first international Congress of Criminal Anthropology in Rome in 1885. See Emile Laurent, *Les Habités des Prisons de Paris. Etude d'Anthropologie & de Psychologie Criminelles* (Lyon: A. Storck; and Paris: G. Masson, 1890), p. viii. Interestingly, whilst Kropotkin was imprisoned in Lyon he was twice visited by Lacassagne, head of the prison's medical service, whereupon they discussed anthropological issues with one another. More specifically, such conversations would have most likely occurred around the time Kropotkin was composing his articles on prisons, as he stated in the preface to the 1906 Russian edition of *In Russian and French Prisons* that Lacassagne's wife helped to get his work out of the prison and sent to London. See Peter Kropotkin, 'Author's Preface to the Russian Edition' in Kropotkin *In Russian and French Prisons*, trans. and intro. by George Woodcock (Montreal and New York: Black Rose Books, 1991), pp. xxi-xxv (xxiii).

freedom feelings of resentment.⁴¹² For how can the individual's sentiments of sociality be improved, asks Kropotkin, when one is denied basic human needs through lengthy imprisonment, health-afflicting living conditions, forced and unrewarding labour, tyranny, and ridicule?⁴¹³ Such treatment awaits those sent to Russian prisons and penal settlements. The moral degradation generated by bad labour is perhaps worse in Western Europe, he somewhat controversially surmises, if one considers the effects of the indefensible practices of oakum-picking and treadmill-climbing. Nevertheless, the system in Russia is merely the lesser of two evils.⁴¹⁴ The penal system as a whole damages the prisoner's moral, mental, and physical constitution to the extent that the individual soon has fewer human qualities than they did on arrival. Tragically, the resentment grows into vindictiveness, and broadens in its direction, until the prisoner 'learns to hate the section of society to which his humiliation belongs, and proves his hatred by new offences against it'.⁴¹⁵

If the foundational principles of incarceration and discipline remained there could be no penological reform, Kropotkin concluded. Widening his purview, he accounted for the failures of the criminal justice reform movement in Russia: either the good intention dissipated; the proposal was paralysed after being implemented; or any success was quickly negated by newly-emerging corrupt practices. The case of the latter, of which Kropotkin is more interested, can be seen in the court rooms. One can see the importance of the court grow throughout the nineteenth century as criminal and legal codification continued to develop with new administrative, centralised processes solidifying the court as the official state arbiter of order. Further magnifying its status and presence was the explosion of the periodical press and its readership eager for sensational stories of crime, as Kropotkin remarks at the very beginning of his thesis.⁴¹⁶ And finally, once the processes of modernisation in the second half of the nineteenth century saw the emergence in Russia of open courts and trials by jury, the courtroom

⁴¹² Kropotkin, *In Russian and French Prisons*, pp. 24-25.

⁴¹³ *Ibid.*, pp. 25-26.

⁴¹⁴ *Ibid.*, p. 26.

⁴¹⁵ *Ibid.*, p. 25.

⁴¹⁶ *Ibid.*, p. 1.

had become firmly embedded in the public arena.⁴¹⁷ Such a setting had always been a place wherein stories of daily lives are recounted, as the routines and conditions of society are documented by the testimonies of the accused, the prosecutors, and the witnesses, all in which is judged, reasoned, and then concluded by the court officials. The presiding narrative far more often than not takes on the form of the story of poverty and desperation, a testament to inequity within society. The public nature of the trials and their growing audience brought about a new dimension. They became an amphitheatre of sociopolitical discourse – individuals were not only judged but society itself, and the accused had a mouthpiece through which they could damn the unfair conditions of their existence. Though such a place could, of course, be used to garner wider support for one's social grievances and rally dissent, it could also be used, asserted Kropotkin, as the instrument through which governmental positions were amplified, whereby political attempts could be made to persuade society of the existence of dangerous individuals, their type, and the company they keep. In Russia, as in France, such political trials became more common in the last third of the nineteenth century, and famously assumed the narrative of the monstrous nature of anarcho-terrorism, a story wherein Kropotkin played no small role. The reforms, he recounted, gave only the illusion of justice: judges were puppeteered by the Minister of Justice; jurors intimidated; those found innocent at the dismay of local authorities arrested after verdict; and, if it was pre-empted that an individual would receive the jurors' verdict of innocence, surreptitiously exiled by the Third Section.⁴¹⁸ Furthermore, to ensure the mouthpiece of the accused did not reach too many ears, attempts were often made to prohibit the press from discussing court proceedings, and, as to which Kropotkin alludes, this culminated in the 1881 law of Measures for the Protection of State Security and Public Order, banning almost anyone from witnessing the trial.⁴¹⁹ The justice system failed for the same reasons as did that of the prisons: it remained an institute of disciplinary authority, whereby the illusion that it upheld

⁴¹⁷ A useful overview of the judicial reforms, growing public nature of courts (including the role of the periodical press), and political trials in this period of Russia's history can be found in Alexander Polunov, *Russia in the Nineteenth Century: Autocracy, Reform, and Social Change, 1814-1914*, ed. by Thomas C. Owen and Larissa G. Zakharova, trans. Marshall S. Shatz (Armonk, New York and London: M. E. Sharpe, 2005), pp. 117-124. A more detailed study of the relationship between Russia's criminal justice system and the press can be found in Charles A. Ruud, *Fighting Words: Imperial Censorship and the Russian Press, 1804-1906* (Toronto, Buffalo, and London: University of Toronto Press, 1982), in particular chapters 7-12 (pp. 97-206).

⁴¹⁸ Kropotkin, *In Russian and French Prisons*, pp. 30-35.

⁴¹⁹ *Ibid.*, pp. 39-42.

fairness and social cohesion only masked the institutional goal of withholding liberty from the population.

In chapters three to six, Kropotkin constructed a detailed cartography of Russia's penological landscape, from Russian prisons (including Kropotkin's account of his own experience), to the journeys of exiled prisoners and the dreadful *étapes*, to exile in Siberia, and finally exile on the eastern-most region of Imperial Russia, Sakhalin Island. Incorporating a mixture of anecdotal and statistical evidence, the terrain merely extends that which he has already covered. The second article he had penned in response to Lansdell forms the seventh chapter. It contributes little to Kropotkin's overall thesis, mainly substantiating his previously-made points and highlighting the problems with Lansdell's account by employing a number of other authors who had written on the subject. The main criticisms were that Lansdell had seen very few prisons in Russia, of those that he did the visits were brief and inadequate, his own portrayals of prison writings were inaccurate, and, most damaging, his accounts of his experiences were dishonest. Of interest, however, is that the following paragraph from the original 1883 article was missing from the chapter:

[T]he jailors in England are not omnipotent, the inmates are not flogged on a mere caprice of the jailor, and their coppers are not stolen by him; a man would not order a prisoner to be flogged who had not saluted him, and those to be kicked down who protest against this measure. The Trepoffs have disappeared from England.⁴²⁰

Writing in his cell in Lyon's *Maison d'Arrêt*, Kropotkin had not yet conducted the in-depth research into the conditions and tyrannies found within Britain's penal institutions which would inform the final treatise of *In Russian and French Prisons*. Though he knew of the treadmill and oakum-picking, it appears that only after conducting the considerable research needed to complete his thesis that Kropotkin would come to conclude that one could, in fact, find Trepoffs in English prisons. His account of his stay in the prisons of Lyon and Clairvaux composes the eighth chapter. Though he claims that of all the penal institutions in Europe Clairvaux 'ranks among

⁴²⁰ Kropotkin, 'The Fortress Prison of St Petersburg', p. 948. This paragraph is omitted from the body of text on page 255 of *In Russian and French Prisons*. Adjutant General Fyodor Trepoff was the governor of St Petersburg when he had the young political prisoner Arkhip Bogolyubov whipped for not removing his cap as he walked through the courtyard of the city's House of Preliminary Detention in the summer of 1877. Trepoff's notoriety for being an oppressive reactionary and a cruel martinet went far: a rather unsympathetic obituary in *The New York Times* entitled 'Death of Gen. Trepoff, Most Hated Russian' (September 16, 1906), 1-2.

the best',⁴²¹ Kropotkin cannot but stay true to the premise of his thesis, that '[i]n France, as elsewhere, the whole prison system rests on a false foundation and demands a total re-examination, an honest, serious, thoughtful re-examination from the social standpoint'.⁴²² The final two chapters are original, both in that they had not been printed in essay form prior to the book's publication and that they are unequivocally discernible from the preceding ones. Rather than accounts and analysis of the abhorrent conditions of prisons, *étapes*, and the journeys and centres of exile, 'On the Moral Influence of Prisons on Prisoners' and 'Are Prisons Necessary?' portray Kropotkin's engagement with the epistemologies and methodologies which constructed contemporary inquiries into crime and imprisonment. It is here that Kropotkin's criminological perspective finds coherence.

Kropotkin's references in these two sections show the breadth of his research into the science of criminology. Specifically regarding crime in Britain, Kropotkin's reading ranges from governmental reports on prisons to the diaries of the incarcerated, from the testimony of prison medics to the anthropologists who approached criminal behaviour itself as an illness. Kropotkin's research told him exactly what he would have already expected, that the prison system in Britain was failing. His conclusion was enough to dissuade him from extending his prison map and detail the contours of replica prisons. The focus in his penultimate chapter surrounds the extent to which the deleterious effects of prison serve to *demoralise* its inhabitants. Demoralising are those feelings of injustice that fills the incarcerated individual when there is fraudulent, corrupt and criminal behaviour outside and inside the prison walls that goes unpunished. But feelings of unfairness do not attest to the depth of the problem. Demoralisation would still occur if reforms helped prisons to become fairer, for demoralisation is part of the institution's very nature, 'which cannot be got rid of as long as a prison remains a prison'.⁴²³ For Kropotkin, criminal acts arise from one's inability to resist anti-social feelings. Such is the result when an individual lacks a firm will – the faculty which helps temper those passions and impulses which oppose the principles of social behaviour. The destruction of one's will is part of what Kropotkin refers to by the term 'demoralisation' – the two are inextricably linked – and 'the will'

⁴²¹ Kropotkin, *In Russian and French Prisons*, p. 301.

⁴²² Kropotkin, 'Author's Preface to the Russian Edition' in Kropotkin, *In Russian and French Prisons*, p. xxv.

⁴²³ Kropotkin, *In Russian and French Prisons*, p. 314.

is always weakened when one's freedom is deprived. The confined living space and suppressed activity of prisons, the imposed routine and regulation, impair one's ability to exercise one's will and utilise moral strength.⁴²⁴ Notwithstanding the condition of those entering such institutions, the systematic processes of demoralisation, along with the degradation and cruelty so often inflicted, reduce the imprisoned individual to a mechanistic, less-than-human state of existence, less likely to be able to choose right from wrong, and all the more at risk of executing inhumane behaviour. If they are ever released from such an environment 'it is not to be wondered at', deplores Kropotkin, 'that men accustomed to be mere machines do not prove to be the men whom society needs'.⁴²⁵

Kropotkin's concluding inquiry in *In Russian and French Prisons* concerns the determinants of 'criminality', whereby he questions what causes this reduction of one's will to the extent that such a condition manifests as criminal activity. The problem of crime in the nineteenth century, he acknowledges, has assumed a physiological form, and particularly prominent is the medical optic of such a perspective: the 'prevention of the disease' is the focus of the new school of criminology.⁴²⁶ Though Kropotkin mentions a number of those participating in the anthropological school of criminology, he singles out Lombroso. Commending him for popularising the discipline, he asserts that following Lombroso's conclusions it must be admitted 'that most of those whom we treat as criminals are people affected by bodily diseases'.⁴²⁷ Maudsley, too, is deemed in the right to make the connection between 'diseased minds' and crime.⁴²⁸ But, crucially, their conclusions are found wanting in that they fail to place enough emphasis on the fundamental role played by social conditions in the complex narrative filled with criminal bodies, motivations, and acts. Kropotkin claims that it is only with the development and exercise of the naturally occurring social instincts, which will only come about through increased efforts to improve the social and health-bringing elements of the environment, that society can help those whose anti-social feelings will likely lead to crime and imprisonment. As seen in the thought of Wells and Ellis, 'immoral' thoughts can be kept in check by a mind untainted by certain criminal predispositions, and it is only a healthy individual's ability to utilise their moral

⁴²⁴ Ibid., pp. 323-24.

⁴²⁵ Kropotkin, *In Russian and French Prisons*, pp. 325-26.

⁴²⁶ Ibid., p. 339.

⁴²⁷ Ibid., p. 347.

⁴²⁸ Ibid., pp. 347-48.

faculties and repudiate those anti-social thoughts, which can occur in any human being, that will prevent one from undertaking a criminal act.⁴²⁹

Kropotkin's Sociopolitical Theory

To understand Kropotkin's positions on crime and the criminal individual, one must first become familiar with the epistemological and ontological bases of his sociopolitical philosophy. Though sociologists Tifft and Stevenson surmise that the relatively little attention paid to Kropotkin's criminological views could be due to the perception that anarchist theory has no place in the study of criminal behaviour, or that a perspective which takes into account the emotions and feelings of individuals likewise has no place within the field, it is possible that they themselves understate the scientism of Kropotkin's 'feelings-based' criminology.⁴³⁰

Kropotkin's conceptualisation of an anarchist way of life gained significant detail in the few years preceding his imprisonment in France. At the 1880 congress of the Jura Foundation, he and others endorsed their doctrine of anarchist-communism, and a few months prior to this, Kropotkin had illustrated in an article printed in his journal *Le Révolté* the contours of such a social existence. Therein he proclaimed that after the dissolution of the centralised state via revolution, 'the society of the future' would emerge.⁴³¹ Communes of free individuals would naturally 'sprout'⁴³² and in all likelihood form mutually dependent relationships with other such communes, creating federalist networks of industry, commerce, and leisure, united by modern transport and communication. The growth and development of such a system would result in the formation of a 'one and indivisible' federation.⁴³³ Capitalism as well as statism would be a doctrinal relic of the past, as the anarchist way of life would be 'not just communalist, but communist', and there would be procured the 'collective enjoyment of social capital, the instruments of labor and the products of the labor performed'.⁴³⁴

⁴²⁹ Ibid, pp. 351-3.

⁴³⁰ Tifft and Stevenson, 'Humanistic Criminology: Roots from Peter Kropotkin', in particular pp. 493-95.

⁴³¹ Kropotkin, 'From the Medieval Commune to the Modern Commune' in *No Gods, No Masters*, ed. Daniel Guérin, trans. Paul Sharkey (Edinburgh, Scotland; Oakland, CA: AK Press, 2005), pp. 302-11 (311). First published in French as 'La Commune', *Le Révolté* (1880).

⁴³² Ibid., p. 310.

⁴³³ Ibid., p. 309.

⁴³⁴ Ibid., p. 308.

For Kropotkin, the realisation of anarchist-communism would see every individual's need for well-being satisfied and freedom from oppression – including economic and political compulsion – enjoyed. His contribution at the 1880 Jura congress signified the point at which Kropotkin led the movement away from the idea that social revolution required limitations placed on the establishment of common ownership, and thenceforth promulgated his advocacy of the *total* elimination of all social structures of coercion and systems which restricted one's liberty.⁴³⁵ As it became increasingly clear, his sociopolitical revolt stood against not only the traditionalists who defended hereditary and militaristic institutions of power, or the property-owning classes and beneficiaries of an unequal division of wealth, but also against his fellow adherents of socialism who proposed drastically different means to the revolutionary cause. The 'governmental fetichism' to which such socialists were willing to submit was, Kropotkin lamented, one of the fundamental failures of the 1871 Paris Commune.⁴³⁶ His antipathy to the belief in the need of replacing one authority with another formed the basis of his opposition to the proponents of state socialism and the Marxian dialectic.⁴³⁷ If the lessons of the Paris Commune had been learnt, the social revolution of the future would not result in the reimposition of an autonomous structure of power, and Kropotkin envisioned a birth of a society whereby

the people will no longer feel the need to give themselves a government and expect revolutionary initiatives from that government. After having swept out the parasites that feed upon them, they will seize hold of all social wealth to own it together according to the principles of anarchist communism. And when they have completely abolished property, the government and the State, they will freely constitute themselves according to the *necessities dictated by life itself*.⁴³⁸

As much as those doctrinaires of 'scientific socialism' claimed otherwise, the need for government was not a necessary condition of existence, nor a necessary tool for revolution. These early writings hint at the epistemological underpinnings of the

⁴³⁵ See George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements* (Harmondsworth: Penguin, 1962), pp. 184-221 for a contextual and comparative overview of Kropotkin's political theory within the anarchist-communist movement.

⁴³⁶ Peter Kropotkin, 'The Paris Commune' in Kropotkin, *Words of a Rebel*, trans. by George Woodcock (Montréal and New York: Black Rose Books, 1992), pp. 90-103 (p. 97). First published in French as 'La Commune de Paris', *Le Révolté* (1881).

⁴³⁷ Kropotkin's anti-Marxism became more explicit at the turn of the century, when he saw its threat to the anarchist-communist revolution. See Kinna, 'Kropotkin's Theory of Mutual Aid', pp. 261-68.

⁴³⁸ Kropotkin, 'The Paris Commune', p. 98. My emphasis.

principles of Kropotkin's anarchist-communism that he would develop throughout his life. He had emerged from Jura maintaining that mutualism and subsequent federalism was *instinctual*, that there was a scientific foundation to his theory of anarchist-communism whereupon, in opposition to a materialist eschatology of revolutionary organisation, 'union sprouts by itself, in accordance with natural needs'.⁴³⁹

At the time of his arrest in France in 1883, Kropotkin's anarchist-communist revolutionary politics were inscribed in his mind, coordinated into arrangement during his time at Jura. His thought, of course, was also that of a geographer and zoologist, his education in the natural sciences having begun at the Corps de Pages and put into practice as he led scientific expeditions in the eastern-most provinces of Imperial Russia. His experiences in Siberia had prepared Kropotkin for life as an anarchist in two ways. Firstly, the distressing experience of authority and discipline and his reading on radical politics and ethics, including that of Pierre-Joseph Proudhon (1809-1865), led Kropotkin to declare in his memoirs, 'I lost in Siberia whatever faith in state discipline I had cherished before'.⁴⁴⁰ Secondly, his scientific observations of the natural instinct of intraspecific cooperation within the animal kingdom would bring him to reject the idea that struggle between individuals was the natural state of existence for the theory that the intrinsic propensity for mutual aid was the dominant principle of humankind.⁴⁴¹ As he had stated in 1880 in 'La Commune', social collectives would 'sprout' according to 'natural needs' as would a biotic growth. His sociopolitical perspective was certainly inflected with his indigenous language of scientific naturalism, but it was when imprisoned in France that Kropotkin began to develop his understanding of human nature as intrinsically compatible with his political philosophy. It was there that he began his work into anarchy's scientific foundations.⁴⁴²

Concurrent to *In Russian and French Prisons*' publication was the printing of Kropotkin's article 'The Scientific Bases of Anarchy' (1887), James Knowles' (1831-1908) *The Nineteenth Century* again being the original outlet of circulation.⁴⁴³

⁴³⁹ Kropotkin, 'From the Medieval Commune to the Modern Commune', p. 310.

⁴⁴⁰ Peter Kropotkin, *Memoirs of a Revolutionist*, 1 (London: Smith, Elder, & Co., 1899), p. 261.

⁴⁴¹ For Kropotkin's specifically Russian interpretation of evolution, see Daniel P. Todes, *Darwin without Malthus: The Struggle for Existence in Russian Evolutionary Thought* (New York, Oxford: Oxford University Press, 1989), pp. 123-42.

⁴⁴² Kropotkin, *In Russian and French Prisons*, p. 321.

⁴⁴³ Peter Kropotkin, 'The Scientific Basis of Anarchy' in *Anarchism: Its Philosophy and Scientific Basis As Defined by Some of Its Apostles*, ed. by A. R. Parsons (Chicago, IL: Mrs. A. R. Parsons, 1887), pp. 111-23. First published as 'The Scientific Bases of Anarchy' in *The Nineteenth Century* (1887).

Kropotkin asserted that the anarchist thinker saw society in its biological composition, a phenomenon that, like all others, could be scrutinised from the optic of the natural sciences. When it came to the matter of improving civil and individual life, the political perspective would not rely on ‘metaphysical conceptions’ but scientific observation.⁴⁴⁴ Such metaphysical conceptions were those that informed the traditional discipline of political economy, such as ‘natural rights’ and ‘duties of the State’.⁴⁴⁵ Kropotkin did not counterpose his scientism only to this discourse, and later made it clear that his anarchism stood against all those ‘metaphysical fictions of old’ which informed sociological theory, as exemplified in the following passage:

In the domain of philosophy of law, in the theory of morality, in political economy, in history, (both of nations and institutions), Anarchism has already shown that it will not content itself with metaphysical conclusions, but will seek, in every case a natural-scientific basis. It rejects the metaphysics of Hegel, of Schelling, and of Kant; it disowns the commentators of Roman and Canon Law, together with the learned apologists of the State; it does not consider metaphysical political economy a science.⁴⁴⁶

Such opposition to metaphysics was based on Kropotkin’s aversion to any school of thought which proclaimed pre-established, categorical principles and ‘Immanent (in-dwelling) Laws of the Spirit’.⁴⁴⁷ Such self-assured absolutism and metaphysical essentialism did not hold up to the scrutiny of the inductive-deductive methodology of the natural sciences. Occupying such a domain, the anarchist thinker observed society as ‘an aggregation of organisms trying to find out the best ways of combining the wants of the individual with those of co-operation for the welfare of the species’.⁴⁴⁸ Under the auspices of the life sciences’ epistemological framework and empirical method, the study of past and present societies’ life and well-being would legitimately establish the best possible means to secure that of humankind throughout time.⁴⁴⁹ In contrast to the ‘science’ of historical materialism, which provided only ‘metaphysical schemes of

⁴⁴⁴ Ibid., p. 112.

⁴⁴⁵ Ibid.

⁴⁴⁶ Peter Kropotkin, *Modern Science and Anarchism*, trans David A. Modell (Philadelphia: Social Science Club, 1903), p. 54. First published in Russian as *Sovremennaiia nauka i anarkhizm* (1901).

⁴⁴⁷ Ibid., p. 55.

⁴⁴⁸ Kropotkin, ‘The Scientific Basis of Anarchy’, p. 112.

⁴⁴⁹ Ibid., pp. 115-16.

economic evolution',⁴⁵⁰ Kropotkin's sociopolitical philosophy was to follow the modern science of bio-evolutionary theory.

'The Scientific Bases of Anarchy' is one of the earliest examples of Kropotkin expressing his opposition to the idea of intraspecific struggle for resources as expounded by Herbert Spencer (1820-1903), following Thomas Malthus' (1766-1834) dismal conclusions in his studies on populations.⁴⁵¹ In contrast to the view of individuals competing for the means of subsistence, that which Kropotkin had encountered from his observations of animal groups in Siberia was the increased tendency to cooperate in environments of scarce resources. This idea developed during his time at Clairvaux, particularly after reading Russian zoologist Karl Kessler's (1815-1881) 1879 lecture wherein the importance of mutual aid in the evolutionary process was asserted.⁴⁵² Following Kessler, Kropotkin proposed that mutual aid facilitated human evolution. Such a mechanism was all the more prevalent in humankind since the cultivation and reaping of natural resources grew at an exponential rate with the increasing density of populations, and at a still greater rate with the development of scientific knowledge. '[T]he law is quite the reverse to that of Malthus', Kropotkin concluded.⁴⁵³

The year after Kropotkin had clarified that anarchist-communism would follow the *true* course of evolution, Thomas Huxley (1835-1895) delivered to British audiences a drastically dissimilar view of Darwin's theory. 'The Struggle for Existence: A Programme' (1888), appearing in the same periodical which had granted so much space to Kropotkin's ideas, famously painted a picture of the animal kingdom's ruthless individualism and gladiatorial, fight-for-survival evolutionism.⁴⁵⁴ This was anathema to Kropotkin and, in a similar fashion to his rebuttal of Lansdell's testimony on prisons, he disputed Huxley's position in a series of articles on the role of cooperation in existence and in the process of evolution, developing those ideas he

⁴⁵⁰ Peter Kropotkin, 'The Coming Revival of Socialism', *Freedom Pamphlets*, 15 (London: Freedom Press, 1904), 1-24, p. 21.

⁴⁵¹ See Herbert Spencer, 'A Theory of Population, deduced from the General Law of Animal Fertility', *Westminster and Foreign Quarterly Review*, 57, 112 (1852), 468-501.

⁴⁵² George Woodcock and Ivan Avakumovic, *The Anarchist Prince: A Biographical Study of Peter Kropotkin* (London and New York: T.V Boardman, 1950), p. 238. For Kessler, and his influence of mutual aid on Russian scientists after the 1879 lecture, see Todes, *Darwin without Malthus*, pp. 104-22.

⁴⁵³ Kropotkin, 'The Scientific Basis of Anarchy', p. 118.

⁴⁵⁴ Professor [Thomas H.] Huxley, 'The Struggle for Existence: A Programme', *The Nineteenth Century*, 23, 132 (1888), 161-180.

had touched upon in ‘The Scientific Bases of Anarchy’.⁴⁵⁵ Culminating in the publication of *Mutual Aid* the series of work was Kropotkin’s counter-theory to a particular set of assumed realities and mechanisms found in interpretations of Darwin’s zoological and evolutionary theories, exemplified in this case by Huxley but increasingly dominant in late nineteenth- and early twentieth-century Britain. Specifically, Kropotkin railed against the approbation and application of both the Malthusian theory of population struggle and Thomas Hobbes’ (1588-1679) portrayal of the savagery of humankind’s natural state of existence.⁴⁵⁶

Both Malthus and Hobbes were discussed in the first few pages of the introductory article, printed in 1890. Kropotkin repeated how the interpretation of the term ‘struggle for existence’ had become distorted, narrowed by the Malthusian view of ubiquitous competition for resources.⁴⁵⁷ But perhaps of more concern to Kropotkin than Malthus’ mathematical and theoretical fallacies was the prevailing paradigm of the aggressive, ‘each-against-all’ nature of humankind, epitomised in the thought of, to which Huxley himself referred, Hobbes. Opposing the dominant narrative of biological evolution was only one side of Kropotkin’s charge against the hegemonic value-system of competition. This side was, as he confirms, the chief point of his Darwinian treatise: to scientifically validate ‘the importance of the Mutual Aid factor of evolution’.⁴⁵⁸ But the flank on which Kropotkin also felt the need to engage was directed against the Hobbesian view that humanity’s social cohesion is fundamentally owed to the institutional superstructure of the state. Cooperation may have been an important factor of humankind’s evolutionary progress, but what role did an artificial authority play in human relations? This question formed the backdrop to Kropotkin’s enquiries into ‘the Mutual Aid *instinct* in Nature’⁴⁵⁹ that occupied much of his ideas throughout his life, culminating in *Ethics: Origin and Development* which, though unfinished when

⁴⁵⁵ The articles were as follows, Peter Kropotkin, ‘Mutual Aid Among Animals’, in two parts, *The Nineteenth Century*, 28, 163 (1890), 337-54 and 28, 165 (1890), 699-719; idem, ‘Mutual Aid Among Savages’, *The Nineteenth Century*, 29, 170 (1891), 538-59; idem, ‘Mutual Aid Among the Barbarians’, *The Nineteenth Century*, 31, 179 (1892), 101-22; idem, ‘Mutual Aid in the Mediæval City’, in two parts, *The Nineteenth Century*, 36, 210 (1894), 183-202 and 36, 211 (1894), 397-418; idem, ‘Mutual Aid Amongst Modern Men’, *The Nineteenth Century*, 39, 227 (1896), 65-86; idem, ‘Mutual Aid Amongst Ourselves’, *The Nineteenth Century*, 39, 232 (1896), 914-36.

⁴⁵⁶ For a sound analysis of Kropotkin’s concerns with Malthus and Hobbes in Huxley’s evolutionary theory, see Ruth Kinna, ‘Kropotkin and Huxley’, *Politics*, 12, 2 (1992), 41-47.

⁴⁵⁷ Kropotkin, ‘Mutual Aid Among Animals’, part one, pp. 337-8

⁴⁵⁸ Peter Kropotkin, *Mutual Aid: A Factor of Evolution* (London: William Heinemann, 1904), p. xi. First published in 1902.

⁴⁵⁹ Ibid. My italics.

Kropotkin died in 1921, was posthumously published in English in 1924. It is these sociobiological enquiries into human morality that can particularly attune one's understanding to those ideas expressed by Kropotkin in *In Russian and French Prisons* concerning criminality and anti-social behaviour.

In *Ethics*, Kropotkin again confronts Huxley's portrayal of the nature of humankind's origins. Such a perspective finds

that the lesson taught by Nature is in reality a lesson of evil [...] but as soon as men combined into organized societies there appeared, we know not whence, an 'ethical process,' which is absolutely opposed to everything that nature teaches us. Later, the law, customs, and civilization continued to develop this process.⁴⁶⁰

For Huxley, Kropotkin finds, the ethical process was set apart from the order of nature, an artificial appendage to the cosmical processes of human existence. In the introduction to the subsequent publication of his famous 1893 Romanes lecture, Huxley's portrayal of the state of nature in the 'heroic childhood' of humankind, 'when good and evil could be met with the same 'frolic welcome' [and] the attempts to escape from evil [...] have ended in flight from the battle-field'⁴⁶¹, bears striking resemblance to that presented by Hobbes in *Leviathan* (1651), whereby all individuals fight one another so as to survive the naturally raging war. Whereas in *Mutual Aid* Kropotkin's focus was on the mechanisms of evolution, in *Ethics* he specifically encounters Hobbes on the subject of humankind's original state of existence. On such a battlefield, Hobbes proclaims,

[t]he notions of Right and Wrong, Justice and Injustice have there no place. [...] Force, and Fraud, are in warre the two Cardinall vertues. Justice, and Injustice are none of the Faculties neither of the Body, nor Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude. [...] And thus much for the ill condition, which man by meer Nature is actually placed in; though with a

⁴⁶⁰ Peter Kropotkin, *Ethics: Origin and Development*, trans. by Louis S. Friedland and Joseph R. Piroshnikoff (New York, NY: The Dial Press, 1924), p. 285.

⁴⁶¹ Thomas H. Huxley, 'Evolution and Ethics: Prolegomena' in James G. Paradis & George Christopher Williams, *Evolution and Ethics: T.H. Huxley's Evolution and Ethics with New Essays on Its Victorian and Sociobiological Context* (Princeton, NJ: Princeton University Press, 2014), pp. 59-103 (p. 86). First published in 1894.

possibility to come out of it, consisting partly in the Passions, partly in his Reason.⁴⁶²

The Hobbesian view made the concepts of ‘Right and Wrong’ and the accompanying moral codes a softening influence bestowed on humankind through the teaching or coercion of ‘Society’, which allayed the natural tendencies from developing into unrestrained violence and anti-social behaviour. Such thought opposed that of Kropotkin. His scientific observations into mutual aid amongst animals and his historical studies into human relationships forged a perspective that rejected the theory whereby social institutions coerced individuals into acting morally amongst each other, the only safeguard that prevented them from acting like their savage predecessors. ‘Man did not create society’, Kropotkin had already declared soon after the concluding article of the *Mutual Aid* series had been printed, ‘society existed before Man’.⁴⁶³ The ethical process, of which for Huxley appears out of nowhere, had to be found in humankind’s origins. Scientific reasoning had to overcome metaphysical assumption.

Moral Evolution

Kropotkin determined that in contrast to the given narrative of Huxley and Hobbes, there has existed, since the earliest stages of life, the dualistic impulses of egoistic self-assertion and altruistic self-denial, the reciprocal proclivities that Ellis saw in individualism and socialism. These complementary tendencies have always played a joint role in the animal kingdom, underlying the mutual aid instinct in the struggle for existence. Growing in proportion to the extent of which these survivalist impulses become habitual, Kropotkin believed, a parallel set of tendencies develop. Such feelings would encourage the ‘identification of the individual with the interests of the group to which it belongs’.⁴⁶⁴ Encompassing sentiments of equity and self-restraint, this constitutes a more conscious development of a ‘social mentality’. Subsequently, it can be observed in the ‘higher animals’ that these feelings have continued to improve

⁴⁶² Thomas Hobbes, *The Leviathan*, ed. with an intro. by C.B. Macpherson, (Harmondsworth: Penguin Books, 1968), p. 188. First published in 1651.

⁴⁶³ Peter Kropotkin, *The State: Its Historic Role*, trans. by Vernon Richards (London: Freedom Press, 1969), p. 12. First published as a series of articles in French as ‘L’Etat: son rôle historique’ in *Les Temps Nouveaux* (1896-1897).

⁴⁶⁴ Kropotkin, *Ethics*, p. 30.

and refine, leading to the point at which humankind has arrived: the third stage of the progression. Herein,

man understands and feels so well the bearing of his action on the whole of society that he refrains from offending others, even though he may have to renounce on that account the gratification of some of his own desires, and when he so fully identifies his feelings with those of others that he is ready to sacrifice his powers for their benefit without expecting anything in return.⁴⁶⁵

This final stage is what Kropotkin defines as ‘morality’. Standing on the borderline between the mutual aid instincts and the social sentiments of justice, this is the nature of human ethics. Developing out of an individual’s innate desires *alongside* the ideas of equity, it offered an alternative to the dichotomous relationship inherent to the Hobbesian perspective wherein artificial social institutions are pitted against the natural instincts, a diametric opposition that had pervaded late nineteenth-century discourses on the epistemology of ethics. Kropotkin’s order of ethical evolution, Mutual Aid – Justice – Morality, had found the origins of life were ‘already endowed with the rudiments of morality’.⁴⁶⁶ The moral existence to which humankind had ascended was not brought about by institutional intervention – the paragon of which was the modern state – but through a bio-ethical evolutionary process. ‘It developed gradually’ from the origins of humankind’s existence, Kropotkin insists, ‘it is developing now, and will *continue to grow*’.⁴⁶⁷ This statement not only attested to Kropotkin’s belief that social existence encourages social behaviour, but also that humankind’s moral development continues to be subjected to the mechanism of evolution.

Kropotkin’s scientific understanding of the evolutionary processes had another, vital aspect to it. As he stated in 1890 at the very beginning of his *Mutual Aid* series, the theory of evolution, of which Darwin had made a science of the general notion that all life developed through the ‘struggle against adverse circumstances’, included the vast array of ‘adaptations of function and structure of organic beings to their surroundings’.⁴⁶⁸ And in the same year Kropotkin had lamented the fact that the Darwinian ascendancy had retarded the development of the evolutionary theory of

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid., 252.

⁴⁶⁷ Ibid., p. 274. My emphasis.

⁴⁶⁸ Kropotkin, *Mutual Aid*, p. 1.

variation through the direct action of the environment that was headed by Lamarck.⁴⁶⁹ The influence of Kessler, who too had stressed the theory of environmental direct action as a mechanism of evolution, and the explorations in Siberia encouraged Kropotkin's conviction of the importance of the direct effects that external conditions can have on the bio-evolutionary processes of organisms, a conviction which culminated in his avowed and explicit defence of the propositions of Lamarckian variation from 1910.⁴⁷⁰ Kropotkin's general belief in the direct action of the environment and the inheritance of acquired characteristics grounded his optimistic assertion that moral tendencies, 'at once inherent and the product of evolution [...] will continue to grow'.⁴⁷¹ But such a perspective had its pessimistic counterpart. For he had also insisted that morality, having arisen in the latest stage of humankind's bio-ethical evolutionary order (Mutual Aid – Justice – Morality), is the weakest of the three.⁴⁷² Kropotkin presaged that if moral tendencies continually eroded under certain environmental conditions

the group necessarily begins to fail in the struggle for life; it marches towards its decay. And if it perseveres in the wrong direction, if it does not revert to those necessary conditions of survival and of progressive development, which are Mutual Aid, Justice, and Morality – then the group, the race, or the species dies out and disappears.⁴⁷³

A decline in the moral condition carried with it a biological threat.

Kropotkin's belief in anarchist-communism meant that he held, to some extent, a belief in a Marxian conflict-criminology whereby the inequities and relative hardships of one's environment would be determinants of crime. Unfairness in the wage-system, the inequitable distribution of property, and the unpunished fraudulence of business owners⁴⁷⁴ are certainly accountable, as Kropotkin would invariably maintain, when it comes to explaining an individual's desire to steal:

⁴⁶⁹ Kropotkin, 'Brain Work and Manual Work', *The Nineteenth Century*, 27, 157 (1890), 456-75, p. 468.

⁴⁷⁰ A series of articles appeared in *The Nineteenth Century*, starting with Peter Kropotkin, 'The Theory of Evolution and Mutual Aid', *The Nineteenth Century and After*, 67, 395 (1910), 86-107 and ended with idem, 'The Direct Action of Environment and Evolution', *The Nineteenth Century and After*, 85, 503, (1919), 70-89.

⁴⁷¹ Kropotkin, *Ethics*, p. 252.

⁴⁷² Ibid., p. 31.

⁴⁷³ Ibid.

⁴⁷⁴ Kropotkin, *In Russian and French Prisons*, pp. 310-12.

First of all, as to so-called “crimes—assaults upon persons—it is well-known that two-thirds, and often as many as three-fourths, of such “crimes” are instigated by the desire to obtain possession of someone’s wealth. This immense class of so-called “crimes and misdemeanours” will disappear on the day on which private property ceases to exist.⁴⁷⁵

Such a perspective is characteristic of the anarchist-communist. Though the incitement to criminal behaviour is augmented in a capitalist society, Kropotkin rejected the idea that it is the determining factor of the criminal act. Even honest men, he claimed in his thesis on crime and punishment, have had the motives for criminal activity enter their mind as ‘an imperceptible wave traversing the brain, like a flash of light’. But, he continued, it is only when such reprehensible thoughts

had the opportunity of recurring again and again; if they were nurtured by circumstances, or by a want of exercise of the best passions, love, compassion, and all those which result from living in the joys and sufferings of those who surround us; then these passing influences, so brief that we hardly noticed them, would have *degenerated into some morbid element in our character*.⁴⁷⁶

It would be accurate to reason that the environment provides the grounds on which crime can be committed and is therefore a causal factor, but this alone as an explanation did not explain the internal processes which induce one to act criminally. At this height of the evolutionary process, what are the biological conditions, Kropotkin would ask, which allow for humankind’s internal borderline of morality, whereupon at one end one finds the instinct of mutual aid and at the other the habitually-developed feelings of Justice, to be entirely surpassed? His answer lay in the form of degeneration.⁴⁷⁷

Degeneration is the assumed reality that decline is a central or even definitive trait of a stage of existence within a formalised field of activity.⁴⁷⁸ It describes the perception of a worsening condition, an approaching end, a nearing death. Historically polysemous, degeneration could be perceived in the aesthetic deterioration of the arts, a collapse of an empire, or the gradual extinction of a species. A conceptual shift

⁴⁷⁵ Kropotkin, *Law and Authority*, p. 21.

⁴⁷⁶ Kropotkin, *In Russian and French Prisons*, pp. 352-53. My emphasis.

⁴⁷⁷ See Morgan, ‘Petr Kropotkin’s Modern Anarchism’, pp. 51-58 for Kropotkin’s conception of degeneration as it was formed within his anarchist biopolitics and idem, pp. 152-159 for how he would employ it in his anarchist critique of the bourgeoisie.

⁴⁷⁸ By ‘formalised field of activity’ I refer to abstract centres of human life that are widely perceived to exist, such as ‘civilisation’ and ‘the body’.

occurred in the second half of the nineteenth century, however, and the referential domain of the term narrowed and became more specific. Pick summarises:

Degeneration moves from its place as occasional sub-current of wider philosophies and political or economic theories, or homilies about the horrors of the French and the Industrial Revolutions, to become the centre of a scientific and medical investigation. [...] The potential degeneration of European society was thus not discussed as though it constituted primarily a religious, philosophical or ethical problem, but as an empirically demonstrable medical, biological or physical anthropological fact.⁴⁷⁹

Degeneration began to be inscribed almost exclusively on the body-as-organism, and marked its conception, its life span, its death, and its progeny. And just as historians looked for the symptoms of a civilisation's collapse in the stages of its rise or the turning point of its decline, so the medical and biological practitioners studied degenerative conditions with a keen eye for the signs of their pathogenesis. A *natural* phenomenon, it dwelt in the corners of bio-evolutionary discourse: the problem of degeneration concerned its biological origins, location, and mechanism. Kropotkin's warning of moral degeneration joined a large company of similar accounts received by British audiences around the late nineteenth and early twentieth centuries. Novels of science fiction, gothic horror and realism; studies in psychiatry and criminal anthropology; critiques of modern culture; sociopolitical expositions on the threat of foreign nations and races; all were pervaded with evocations of moral illness which threatened the well-being of populations.

Despite Kropotkin's assertion in *Russian Literature* (1905) that '[d]egeneracy is not the sole nor dominant feature of modern society',⁴⁸⁰ his accounts on the subject of crime, immorality and anti-social behaviour are inflected with the vocabulary and tropes of such an assumed condition of existence. In the same 1905 text, he explores Dostoevsky's portrayal of Raskolnikoff's incitement to murder. Raskolnikoff explained his crimes, indirectly through his article and directly to Sofia, by reasoning that just as Napoleon Bonaparte would have justified his murderous actions by claiming the authority to surpass traditional codes of rights and legislature in order to

⁴⁷⁹ Pick, *Faces of Degeneration*, p. 20.

⁴⁸⁰ Peter Kropotkin, *Ideals and Realities in Russian Literature* (New York: A.A. Knopf, 1915), p. 86. First published as *Russian Literature* (New York: McClure, Phillips & Co., 1905).

attain his goals, so he killed Lizaveta because his own objective justified the means. Yet Kropotkin finds this reasoning for the motive of such a crime insufficient:

I will permit myself to remark that the very profusion of accidental causes accumulated by Dostoyévskiy shows how difficult he felt it himself to prove that the propaganda of materialistic ideas could in reality bring an honest young man to act as Raskólnikoff did. Raskólnikoffs do not become murderers under the influence of such theoretical considerations.⁴⁸¹

For Kropotkin, Dostoevsky had found it difficult to portray his protagonist's criminal motivations. The premise of Raskolnikoff's murderous actions was not only hard to believe, but the idea of an 'honest young man' interpreting Napoleon in such a way as Dostoevsky had presented was entirely unpalatable. Napoleon committed such terrible deeds, Kropotkin stated as a fact, because he was a maniac.⁴⁸²

Napoleon appears in a number of Kropotkin's writings, his person often endowed with particular deficient properties. Consequently, the constructed image is that of a being in the earlier stages of human evolution. In *Ethics*, the characteristic of 'military predatoriness'⁴⁸³ one sees in individuals such as Napoleon is identified with those narrowly personal tendencies which had played a lesser role in humankind's evolution and thus diminished in comparison to the development of the social habits. Comparatively diminished as they may be, the egoistic impulses necessarily survive; there always remains the possibility of survivalist tendencies to resurface. The 'rapacious instincts'⁴⁸⁴ exhibited by Napoleon, though more active in humankind's original stages, had re-emerged to the fore. Kropotkin held that in particular circumstances such bygone characteristics could find impetus, convalesce, and reanimate to the extent that they 'interfere with the recognition of the feeling of sociality and the consciousness of equity as the fundamental principle of the moral

⁴⁸¹ Kropotkin, *Ideals and Realities in Russian Literature*, pp. 167-68.

⁴⁸² Kropotkin, *In Russian and French Prisons*, p. 354.

⁴⁸³ Kropotkin, *Ethics*, p. 310.

⁴⁸⁴ *Ibid.*, p. 312.

judgments'.⁴⁸⁵ An environment that encourages the elevation of the narrowly self-interested instincts can be harmful, then, to the individual's ability to act in favour of the social group. But of particular concern for Kropotkin was the combined effect of such impulses with other deleterious factors, a recipe for depraved behaviour. In 'Anarchist Morality' (1889), Kropotkin intimated that the excessive desires of Napoleon only amounted to his heinous behaviour by being accompanied with the added factors of his 'poverty of feeling' and unsound intellect.⁴⁸⁶ And in *In Russian and French Prisons*, it was asserted that Napoleon's narcissism might have been kept in check had he possessed intellectual guidance or social sentiments.⁴⁸⁷ The pathogenesis of his maniacal condition, that which enabled his atrocities, was clearly multifaceted. Each separate element – instinct, feeling, intellect – was a player in Kropotkin's diagnosis. The crux of the matter was clear; once identified, the conditions which led to the debasement of these elements had to be prevented from pressing upon the organisation of the individual. Such a method of ensuring the well-being of humankind was borrowed directly from the nineteenth-century science of preventative medicine and social hygiene, to which Kropotkin explicitly referred:

Instead of merely curing diseases, medicine tries now to prevent them [...] Hygiene is the best of medicines. The same has to be done with the great social phenomenon which has been called Crime until now, but will be called Social Disease by our children.⁴⁸⁸

If such a remedial approach was not taken up, if deleterious conditions were allowed to press upon the health of the individual, if specific circumstances continuously

⁴⁸⁵ Ibid. It is here that I take issue with Hawkins' following statement: 'The biological determinism in Kropotkin's analysis posed problems for the coherence of his theory. Some social phenomena – those involving solidarity – were derived from innate tendencies, while others – war, exploitation, political oppression – were attributed to perverse social conditions'. Mike Hawkins, *Social Darwinism in European and American thought, 1860-1945* (Cambridge: Cambridge University Press, 1997), p. 179. The biological determinism in Kropotkin's thought does not stand in opposition to perverse environments. He asserts that both the mutual aid and the narrowly individualistic tendencies exist in humankind, and each tendency is likely to flourish depending on the environment. Those social phenomena that include war 'naturally' emerge from the latter, sometimes culminating into particular 'perverse' periods of history. Both sets of impulses are equally impressible. As Kinna states, '[f]or Kropotkin, there is no necessary evolution of morality. There is only a potential'. Kinna, 'Kropotkin and Huxley', p. 45.

⁴⁸⁶ Peter Kropotkin, 'Anarchist Morality' in *Kropotkin's Revolutionary Pamphlets*, pp. 80-113 (p. 110). First published in French as *La Morale Anarchiste* (1889).

⁴⁸⁷ Kropotkin, *In Russian and French Prisons*, pp. 354-55.

⁴⁸⁸ Ibid., p. 339.

encouraged the growth of degenerate qualities, the disturbance of one's human nature would result, like it had with Napoleon, in the state of criminality.

The discourse of degeneration in which Kropotkin participated clearly touched on a number of sites. The location was sometimes that which was occupied by disease and sickness, sometimes by atavistic behaviour, sometimes by psychological and intellectual capacity. But in each site, at all times, Kropotkin turned towards the environment as a key factor. Just as it was the primary determinant in evolution, so it was the root cause of degeneration. Minimise the deleterious effects of one's surroundings, improve the external conditions of life, and individuals would find well-being. Dismissing Lombroso's claims that criminality could be placed on defective bodies, Kropotkin asserted that an individual with an abnormal physiology did not make a criminal, the difference between the two 'being only a difference of the circumstances under which they were born and have grown up'.⁴⁸⁹ Good hygiene, safe dwellings, and the sharing of resources would fight against disease. The continued effects of such a healthy environment along with the inheritance of acquired traits would encourage the well-being of future generations. And fraternal help and education would continue to help those who continued to struggle with impulses.

The Susceptible Body, Fragile Will, and Dangerous Society

Kropotkin's understanding of immorality and criminal behaviour was framed within the epistemological boundaries of that knowledge regime which discovered, defined and based its legitimacy around what Foucault described as 'the dangerous individual', a figure which was to 'give rise on the one hand to the anthropology of criminal man as in the Italian school, and on the other to the theory of social defense first represented by the Belgian school'.⁴⁹⁰ Kropotkin openly disengaged with the classical conception of crime, even criticising Maudsley, who can rather safely be historically placed within

⁴⁸⁹ Ibid., p. 346.

⁴⁹⁰ Michel Foucault, 'The Dangerous Individual' in *Michel Foucault: Politics, Philosophy, Culture, Interviews and Other Writings 1977-1984*, ed. and intro. by Lawrence D. Kritzman (New York, NY and London: Routledge, Chapman & Hall Inc., 1988), pp. 125-51 (p. 140). Foucault here alludes to the theory of Adolphe Prins (1845-1919), the Belgian Jurist whose 1910 text *La Défense sociale et les transformations du droit pénal* was the first study to formally present social defense theory as distinct criminological approach. Its ideas – such as the resocialisation of the criminal – go back further, evidently. Walters traces it as far back as 1830. Walters, *Deviant Knowledge*, pp. 17-18.

the anthropological school, for holding on to notions of ‘sin’ and ‘bad will’.⁴⁹¹ And yet Kropotkin’s position somewhat complicates the neat division Foucault provides. It is clear from his writings that when it came to crime and anti-social behaviour he placed an emphasis on degenerative tendencies, physiological disturbances, and ill-health. But a fundamental point he continually makes is that such bodies were not destined to be dangerous. ‘[A]ll idiots’ he pointed out, ‘do not become assassins’.⁴⁹² Indeed, blemished bodies could be located throughout society, leading law-abiding lives. Those anthropological abnormalities which Lombroso found in prisons and ascertained as constituent elements of criminality were also found, Kropotkin asserted in *Prisons*, in ‘respectable homes’ and even palaces.⁴⁹³ Such a perspective was held throughout his career, and he made the same point twenty-five years later, at the first International Eugenics Congress in 1912, rhetorically asking if ‘those who produced degenerates in palaces’ should too be put forward for sterilisation along with the more popular targets of those living in slums.⁴⁹⁴

Yet Kropotkin admitted that biological tendencies *might* encourage criminal behaviour. The causes of such conditions, however, were social. The modern state’s disregard for its constituents had seen disease permeate the city slums, spreading from the home, to the school, to the workplace, and finally to the prison, that ‘nest of infection’.⁴⁹⁵ Nowhere were the state’s pestilential influences more strongly felt than in the prison. Gone were the days when the greatest harm inflicted upon the penal institutions’ occupants was from the traditional methods of physical punishment and domination. As Morgan eloquently puts it, within the prisons of which Kropotkin discusses with experience, ‘[s]tate power shifts from an infliction, an act of political domination, to an infection, a power that reaches into the depths of humanity’s organic structure’.⁴⁹⁶ It was not in the bodies exhibiting the signs of ill-health whereto criminologists needed direct their attention, but the environmental conditions within which such sickly bodies existed: ‘Prevention of the disease is the best of cures’.⁴⁹⁷

⁴⁹¹ Kropotkin, *In Russian and French Prisons*, p. 348.

⁴⁹² *Ibid.*, p. 346.

⁴⁹³ *Ibid.*, p. 346.

⁴⁹⁴ *Problems in Eugenics. Vol II. Report of Proceedings of the First International Eugenics Congress held at The University of London. July 24th to 30th, 1912* (London: The Eugenics Education Society, 1913), p. 51.

⁴⁹⁵ Kropotkin, *In Russian and French Prisons*, p. 138.

⁴⁹⁶ Morgan, ‘Petr Kropotkin’s Modern Anarchism’, p. 116.

⁴⁹⁷ Kropotkin, *In Russian and French Prisons*, p. 339.

And so it is for these reasons why, for Kropotkin, criminological inquiry would achieve nothing if only directed at prisons, courts and laws. Not only were they each just one of many infectious environments, they were ‘institutions based on a false principle’.⁴⁹⁸ Even if one was to ignore the fact that prisons harboured disease, or that punishment failed to deter individuals from committing crimes, for if it did anti-social behaviour would have been eradicated long ago, Kropotkin argued that discipline, the idea of forcibly instilling in individuals the lessons of their failures with the hope that future thought and conduct is bettered, is damaging, let alone despicable. The modern prison is directed to ‘purify and improve’⁴⁹⁹, an exercise in providing moral direction. But he believed that prison systems across Europe did the exact opposite to their inhabitants than that which was claimed. ‘[T]hey are demoralized’, he contends of prisoners, by ‘the systematic suppression of the will’.⁵⁰⁰ Though the will has always been a rather ambiguous concept, used in different ways throughout the history of philosophy, Kropotkin champions Jean-Marie Guyau’s (1854-1888) emphasis that it holds a significant place in human morality:

In general, there are two kinds of tendencies in man: those of one kind are still unconscious tendencies, instincts, and habits, which give rise to thoughts that are not quite clear, and on the other hand, there are fully conscious thoughts and conscious propensities of will. Morality stands on the border line between the two.⁵⁰¹

Offering an alternative take on Maudsley’s ‘borderland between crime and insanity’,⁵⁰² Kropotkin places the will amongst the distinct, conscious energies of thought and action necessary to make moral judgement. Human morality, that quality which has emerged only in humankind’s bio-ethical evolution ‘as the joint product of instinct, feeling, and reason’,⁵⁰³ was dependent on the capacities of the will. Without such faculties, the individual lacked the prerequisites to act through moral deliberation, unprotected from the influence of impulse and desire. Unchecked, the anti-social tendencies in humans had the potential to rise to the fore if nurtured, as Kropotkin’s Lamarckian perspective assumed, by certain environmental conditions.

⁴⁹⁸ Ibid., p. 301.

⁴⁹⁹ Ibid., p. 24.

⁵⁰⁰ Ibid., p. 177.

⁵⁰¹ Kropotkin, *Ethics*, p. 326. I discuss Guyau below, pp. 165-66.

⁵⁰² Henry Maudsley, *Responsibility in Mental Disease* (New York, NY: D. Appleton and Company, 1874), p. 34.

⁵⁰³ Kropotkin, *Ethics*, p. 252.

Particularly concerning for Kropotkin, participating as he did within the nineteenth-century epistemologies of the mind that assumed a clinical gaze on the matters of thought and behaviour, was that such conscious prerequisites of human morality were themselves conditioned by physical health. As German E. Berrios explicitly states, '[n]ineteenth century psychopathological thinking dictated that, if the will was an autonomous mental function, it should also be subject to disease'.⁵⁰⁴ For Kropotkin, the deleterious influence of infection and sickness on those 'higher faculties' of human individuals could have disastrous consequences, as seen in the state of mind of the violent criminal, 'itself a consequence of some physical disease'.⁵⁰⁵ The conditions to which one is subjected in prison continually dismantle 'the will': forced and unproductive labour prevents the freedom to express oneself creatively; total servitude thwarts any attempt to think or act for oneself; and physical harm, particularly through that transmitted from the pestilential conditions, diminishes the health and energy necessary to exercise the higher faculties. 'All transgressions against the established principles of morality can be traced to a want of firm Will', warns Kropotkin. In prison the strength of one's will, impoverished as it may have been before one enters, is utterly destroyed. The qualities which make one human are lost. The prisoner becomes a machine, without will, 'quite unfit to live afterwards in a society of free fellow-creatures'.⁵⁰⁶

Such criticisms are of course also directed at the state. As Kropotkin asserted in 'Anarchist Morality', the state is the 'inveterate enemy' of the will, 'profiting by the servility of thought and of character'.⁵⁰⁷ The poverty, subservience, antagonistic hierarchies, and forced labour, all of which promoted the feelings of jealousy, aggressive individualism, indignity, and enmity, are mirrored, as are the germs of infection, between life outside the walls of the prison and that within.⁵⁰⁸ Born into a 'psychopathic generation',⁵⁰⁹ the prisoner finds little purification and improvement in the modern reformatories. Only a society wherein liberty is enjoyed by all, free from governmental, religious, economic, and all disciplinary constraints, can prevent

⁵⁰⁴ German E. Berrios, *The History of Mental Symptoms: Descriptive Psychopathology since the Nineteenth Century* (New York, NY and Cambridge: Cambridge University Press, 1996), p. 355.

⁵⁰⁵ Kropotkin, *In Russian and French Prisons*, p. 352.

⁵⁰⁶ *Ibid.*, p. 283.

⁵⁰⁷ Kropotkin, 'Anarchist Morality', p. 80.

⁵⁰⁸ Osofsky touches on this point, that Kropotkin saw the prison and the state as having directly transferable metonymic qualities. See Osofsky, *Peter Kropotkin*, pp. 102-112 for Kropotkin's criminological and penological views, and pp. 123-130 for their critical assessment.

⁵⁰⁹ Kropotkin, *In Russian and French Prisons*, p. 357.

individuals from unwillingly descending into crime. And even where ‘insufficient self control, or a want of firm will’ is inherited, good social conditions, education, and fraternal care will help to avert such a fall.

At the close of Foucault’s 1974-1975 *Abnormal* lectures one finds him considering the psychiatric nosography created in the second half of the nineteenth century, whereby abnormalities were consolidated under the notion of *syndrome*, under a re-evaluated understanding of *delirium*, and under the concept of *condition*. On the latter, on the condition, which is what he describes as the ‘permanent causal background’ or the ‘abnormal basis upon which illnesses become possible’ he makes a brief comparison – only to consolidate this idea of condition – with the notion of predisposition. ‘The difference is’, Foucault explains

that a predisposition was first of all a simple virtuality that did not mean that the individual was not normal: it was possible to be normal and predisposed to an illness. Second, predisposition meant that someone was predisposed to a particular type of illness and not another.⁵¹⁰

The individual with a condition, in contrast, could not be normal, and could break out into any form of pathological disease or deviant behaviour; he would do so unpredictably and would not be able to utilise will power or direct his mental energies to control the condition. This difference between the two assumed essences, located by Foucault as a space whereof psychiatry attempted to define its object, can similarly be observed in adjacent sciences – particularly that of criminology – in the nineteenth and twentieth centuries. Amongst other things, it seems to pinpoint two opposing viewpoints: on the one hand, whereby a scientific discipline claims all rights and all powers over an individual who cannot be helped unless brought under supervision; and on the other, the claim that individuals can always be helped by means other than

⁵¹⁰ Michel Foucault, *Abnormal: lectures at the Collège de France 1974-75*, trans. by Graham Burchell (London: Verso, 2003), p. 312.

overpowering them, which is clearly the side on which we find Kropotkin.⁵¹¹ Whereby Foucault's 'dangerous individual' pinpoints the historical figures of both the biological criminal and the abnormal individual from whom society needs protection, one could say that Kropotkin saw only the 'dangerous society', wherein there is spawned the individual who is biologically predisposed to anti-social behaviour, and it is such an individual, particularly those with 'degenerate' qualities, who must be protected from the very environment in which they live. The semantic features of the dangerous individual – deviant, insane, abnormal, biologically and physiologically immoral, atavistic, degenerate – are all transferred by Kropotkin from the individual's body to society's. Society, that entity he could conceive of 'as something living',⁵¹² must be fundamentally reformed by radical means, or crime would continue to be part of its very constitution.

⁵¹¹ The criminological approach of Kropotkin, whereby one finds a mutual relationship between biological conditions and environmental pressures, bears considerable similarities with that of today's neurocriminology (a field that sees the theories and methods of neuroscience applied to the pursuit of understanding crime). Herein, research on the activity of the heritable MAOA gene and Adriane Raine's controversial findings in *The Anatomy of Violence*, suggest that specific patterns of neurological activity can predispose one to criminal behaviour, but only resulting in such under specific environmental influences. See Nikolas Rose and Joelle M. Abi-rached, *Neuro: The New Brain Sciences and the Management of the Mind* (Princeton, Princeton University Press, 2013); Adrian Raine, *The Anatomy of Violence* (New York: Pantheon Books, 2013). More broadly, Kropotkin's methodology and conclusions would today be grouped under 'developmental criminology', which focuses on the 'at risk' offender whose predisposition to crime is based on behavioural problems formed as far back as childhood. Martin O'Brien and Majid Yar, *Criminology: The Key Concepts* (Oxford: Routledge, 2008), pp. 55-58.

⁵¹² Kropotkin, *Ethics*, p. 3.

Chapter Five: Edward Carpenter

The real value of the modern Socialist movement—it has always seemed to me—has not lain so much in its actual constructive programme as (1) in the fact that it has provided a text for a searching criticism of the old society and of the lives of the rich, and (2) the fact that it has enshrined a most glowing and vital enthusiasm towards the realization of a new society. It is these two points which have always drawn and attached me to it.⁵¹³

Edward Carpenter, *My Days and Dreams* (1916)

There are a number of events concerning both criminal law and the socialist movement in England, occurring during the years that separated Kropotkin's *In Russian and French Prisons* and Carpenter's 1905 publication *Prisons, Police and Punishment*, that might help to introduce some of the ideas put forward in this chapter. On 13th November 1887 the strong arm of the law was vividly observable in the violent clampdown of demonstrators taking part in the socialist-led march on Trafalgar Square. Carpenter wrote of the blows he and his friend received.⁵¹⁴ On 4th April 1892 severe sentences passed on the Walsall Anarchist bomb-plotters, who had been conspired against by a police agent provocateur, saw Carpenter's contemporaries including one-time fellow Sheffield Socialist, Fred Charles (c.1860-c.1934), condemned to long periods of incarceration. And on 6th April 1895, three months after Carpenter's *Homogenic Love, and Its Place in a Free Society* was circulated to a reception of 'no little fluttering and agitation',⁵¹⁵ Oscar Wilde (1854-1900) was arrested for homosexual intercourse under the charge of 'gross indecency'. The reason for this selection is that the three events can be seen as connective threads which touch upon Carpenter's thought on crime, law, punishment, and morality – the components of criminological enquiry. In the first event, one finds Carpenter experiencing first hand the intemperate excess of force that the state could use against its constituents who demanded an alternative to the socioeconomic iniquity. The second was an example of

⁵¹³ Edward Carpenter, *My Days and Dreams: being Autobiographical Notes by Edward Carpenter* (London: George Allen & Unwin, 1916), p. 126.

⁵¹⁴ Edward Carpenter, 'How the Police Provoked Violence', *Pall Mall Gazette* (14 Nov., 1887), 6 (p. 6).

⁵¹⁵ Edward Carpenter, *Homogenic Love* (London: Redundancy Press, 1980), p. 2. First published in 1895.

how the perceived threat of terrorism in England and abroad was proving to pervert the name of anarchist-communism itself, whereby utopian ideals were being warped into violent, chaotic futures. And in the third, Carpenter saw how the public could misunderstand, sometimes deliberately, questions on morality, the basic assumptions of what is right and wrong in human nature.⁵¹⁶ His ‘searching criticism’ of Victorian society and his enthusiasm for a new one underlies these three sites. Carpenter’s thoughts on crime intersected with his concerns about the deleterious growth and development of the state in modern civilisation; with his anticipations for a voluntary collectivism that was moral and just; and with his belief in his own call of duty to educate the world on matters of deviance and immorality.

When he presented his views on English criminal law and its penal system in what would be published in 1905 as *Prisons, Police and Punishment*, Carpenter’s experiences could be seen to contribute to the tone of his work. *Prisons* would have a very different message to that of *Towards Democracy* (1883-1902) or *England’s Ideal* (1884-1887), two texts unmistakably utopian in form and function. In fact, *Prisons* followed a distinct line of work that Carpenter began to tow in the mid-1880s, in which he would directly confront specific issues that troubled Victorian society, such as criminality, sex, and women’s rights.⁵¹⁷ His 1905 treatise exhibited a notably practical position on the ills of the current penological system and a rather measured approach to continuing misunderstandings of criminality. It recommended viable reform whilst stressing the importance of law and order for the protection of the social whole and its individual constituents, and stressed a scientific approach to the question of morality, encouraging the view criminals may have aberrant drives and impulses which were in need of rebalancing. In comparison to *Towards Democracy* and *England’s Ideal*, the stance of *Prisons* can also be interpreted as a product of the ‘slowing down’ or dissipation in Britain of revolutionary socialism as the dawn of the new century

⁵¹⁶ Carpenter condemned such a willful resistance of the public, lamenting at ‘[t]he readiness, the absolute determination of people to *misunderstand*’ questions on sex and sexuality at the time and in the light of Wilde’s arrest. Carpenter, *My Days and Dreams*, p. 197.

⁵¹⁷ This is not to say that he stopped his texts that were more utopian and mystical in content and form. In fact, his fluctuating between the practical and idealist mien in his writing is as oscillatory as his thoughts on government, where we find him juggle the anarchist idea of what he called ‘Non-Governmental Society’ and varying degrees of state socialism. Looking back on his thoughts on government, Carpenter would argue that he was consistent, and moved ‘with a drift, as was natural, towards Anarchism’ by working ‘definitely along the Socialist line’. *My Days and Dreams*, p. 115. For a critical commentary on the variations of Carpenter’s sociopolitical outlook, see Marie-Françoise Cachin, ‘“Non- governmental Society”: Edward Carpenter’s Position in the British Socialist Movement’ in *Edward Carpenter and Late Victorian Radicalism*, pp. 58-73.

approached, replaced by the growing faith for the Marxist social democratism of the Social Democratic Foundation and for parliamentarianism in general, as seen in the foundation of the Independent Labour Party in 1893 and the Labour Representation Committee in 1900. With that said, Carpenter would always hold on to his utopian vision of a self-governing, communal society, and it can be found in his most pragmatic of texts – even *Prisons* ended with the essay ‘Non-Governmental Society’, a slightly revised version of his 1897 essay ‘Transitions to Freedom’.

Prisons, Police and Punishment

Carpenter’s *Prisons* addressed the following dilemma: attempts to find for the criminal a meaningful place in society and to put a stop to his reoffending had been unsuccessful. His priority, then, started not with the prevention of crime, but with addressing the reality of anti-social behaviour. A constant backdrop in *Prisons*, and a referential point to which he explicitly turns, was the 1895 ‘Gladstone Report’ of the Home Office Departmental Committee on Prisons. Carpenter’s inquiry should largely be interpreted as his rejection of the basic premise on which the Blue Book’s penological perspective was founded, ‘that prison treatment should have as its primary and concurrent objects deterrence and reformation’.⁵¹⁸ The harmony of these objectives was entirely unpalatable for Carpenter. It becomes apparent that his position in *Prisons* is that the convention of punitive incarceration can only be used for *either* deterring criminals *or* reforming them. The fear of punishment ‘may make a man conform to the respectabilities’, he admitted, echoing Kropotkin, ‘but it never yet made him a good citizen’.⁵¹⁹ Though he was more welcoming of the proceedings of the 1903-1904 ‘Report of the Commissioners of Prisons and the Directors of Convict Prisons’, Carpenter remained convinced of the inadequacy of the lens through which the subject of crime was viewed. To correct this defective framework, he slightly shifted the position of penological enquiry so that it stood on the following two-sided premise: the social whole must protect itself from being harmed by anti-social behaviour, whilst at

⁵¹⁸ ‘Report of the Departmental Committee on Prisons’, Home Office (London: HMSO, 1895), C. 7702, para. 25.

⁵¹⁹ Carpenter, *Prisons, Police and Punishment*, p. 13.

the same time provide remediable support to its anti-social constituents. In such an apparatus he found little place for punishment.

Carpenter, in Rowbotham's words, 'had a horror of capitalism and of its distortion of all human social relationships'.⁵²⁰ He believed that capitalism resulted not only in inequality, poverty, avarice – the usual suspects that come to mind – but in the harm of *all* relations between people. In *Love's Coming of Age* (1896) he would argue that the system of private property was largely to blame for the malformation of the natural union between men and women, and that commercialism had made man reduce woman to the lady-to-be-looked-at, the stay-at-home slave worker, and the prostitute.⁵²¹ And in *Prisons*, Carpenter would locate the foundations of anti-social behaviour in the sociopolitical principles of the capitalist system, a system designed to serve the propertied classes at the expense of those from who they wrested cheap labour and expensive rent, with discriminatory laws implemented for its maintenance.⁵²² Such inherent inequity had inevitably resulted in neediness, homelessness, and resentfulness.⁵²³ Under 'The Sources of Crime', Carpenter states that the vast majority of offences are directly attributable to the presumed significance of possessions: 'The first [cause of crime] undoubtedly in influence and importance is Property'.

[T]hefts, burglaries, highway robberies, fraudulent commercial operations, adulteration, forgery, swindling, illegal gambling, begging, betting, bribery, and all sorts of deceit, violence and threats of violence arising out of the desire for property or the disappointment at being deprived of it.⁵²⁴

Carpenter hosted the same view that property resulted in crime as that which was seen in the literary socialist utopias. The 'desire' in the quote above did not refer to a specific nosographic condition, an inborn deformation of character. It was but an emotional reaction, a natural product fomented by an environment of economic inequity. Although, as discussed below, he scrutinised the mental conditions that could enable criminal propensities, Carpenter did not seek the germs of crime in the host's

⁵²⁰ Sheila Rowbotham, 'In Search of Carpenter', *History Workshop*, 3 (1977), 121-133 (p. 130).

⁵²¹ Edward Carpenter, *Love's Coming of Age. A Series of Papers on the Relations of the Sexes* (Manchester: Labour Press, 1896), pp. 42-49.

⁵²² Carpenter's idea that law is merely the tool with which the dominant class uses to maintain the status quo of social custom can be traced back to his 1885 article 'Social Progress and Individual Effort'. See Edward Carpenter, 'Social Progress and Individual Effort', *To-day* (Feb., 1885), 49-58 (p. 53).

⁵²³ Carpenter, *Prisons, Police and Punishment*, p. 5.

⁵²⁴ *Ibid.*, p. 47.

unprincipled passions, but in the pathogenesis of property. This should not by any means be seen as Carpenter articulating his belief in causative driving forces that engender criminal acts, but as his genealogical understanding as to the location of the roots of crime. To examine Carpenter's criminological stance, in the same way as that maintained in the other previous three chapters, one must contemplate his wider ontological and aetiological assumptions that informed his understanding of causation and determinism, which will also be addressed later in this chapter. At this point it is only necessary to show that Carpenter found the primary cause of crime in the inequitable environment. Furthermore, not only was the property system responsible for creating the conditions that pushed one to steal, beg, and fight, it was also the source from which the modern matrix of law – which formally criminalised and incarcerated the destitute progeny of property – was founded. As Carpenter had said to the Fabian Society in 1888 in a lecture that would form the first chapter of *Civilisation; Its Cause and Cure* (1889), law, class division, and government are the final outcomes of private property, all of which are systematic schemes to ensure that the inequitable environment remains in place.⁵²⁵ In this sense, property begot inequality, inequality begot crime, and the apparatus of law and power finally legitimised such a genealogy.

Carpenter had long been discussing the connection between property and crime. In 1889 he had expressed the view that the general jurisprudential principle of the day was based on and defined by the 'respectability of property'. As he claimed in 'Defence of Criminals', with property and possession the ruling code of what can be referred to as the 'Commercial age', the common thief is made to be the foremost social threat: 'when, as to-day, Society rests on private property in land, its counter-ideal is the poacher'.⁵²⁶ Reiterating this argument in *Prisons*, Carpenter details the inherent unfairness of having an ethical and legal system based on protecting those who have acquired – at the initial expense and exploitation of the worker – material gain. With assistance from Kropotkin's 1882 article 'Law and Authority', he makes the case that crimes against property are 'but a kind of fringe and spray of reaction and protest against the central and monumental inequity of our social arrangements'.⁵²⁷ Carpenter's justification follows a traditional anarchist line. Perhaps first posited by

⁵²⁵ Edward Carpenter, 'Civilisation: Its Cause and Cure' in Carpenter, *Civilisation: Its Cause and Cure*, pp. 27-31.

⁵²⁶ Carpenter, 'Defence of Criminals', p. 32.

⁵²⁷ Carpenter, *Prisons, Police and Punishment*, p. 51.

Godwin in 1793 – ‘the first offence must have been his who began a monopoly, and took advantage of the weakness of his neighbours’⁵²⁸ – it was Proudhon who voiced it most famously in his exclamation ‘property [...] is theft’.⁵²⁹ A Proudhonian criminology posits that social organisation with the rights of property at its base would lead to social dissonance.

[M]oral evil, or, in this case, disorder in society, is naturally explained by our power of reflection. The mother of poverty, crime, insurrection, and war was inequality of conditions; which was the daughter of property.⁵³⁰

Writing at the dawn of the following century, Carpenter’s stance in *Prisons* stepped in the footprints of that of the father of anarchism: the seed of crime was born from the property system. The poor, the unemployed, and the homeless are irrevocably drawn to crime, pushed by the deleterious social conditions of life, and Carpenter could only but wonder why the number of those criminals generated from such conditions was not higher.⁵³¹

The close relationship between crime and poverty is a relatively unexceptional observation. The assumed essential qualities of such a relationship, however, shape a specific approach in criminological enquiry. In *Prisons*, Carpenter quoted Dr. Robert Gover’s testimony from the 1895 Home Office Report, whereby it is stated that the criminals in England and Wales’ prisons ‘are *recruited* from strata or classes of society not far removed from paupers’, and that of these many were found to be insane. Carpenter continues to excerpt from Gover’s testimony:

A ratio higher than that [of prisoners who are insane] prevailing among the population in general is only what might be expected, when regard is paid to hereditary *influences*, and to *influences* of a degrading, demoralizing and morbid character surrounding, from infancy onwards, the children of the classes from whom criminals are chiefly *recruited*.⁵³²

⁵²⁸ Godwin, *Enquiry concerning Political Justice*, p. 808.

⁵²⁹ Pierre-Joseph Proudhon, *What is Property?*, ed. by Donald R. Kelley and Bonnie G. Smith (Cambridge: Cambridge University Press, 1993), p. 13. First published in 1840.

⁵³⁰ Ibid., p. 191. For a discussion on Proudhon’s ‘mutualist’ criminology see Jeff Shantz and Dana M. Williams, *Anarchy and Society: Reflections on Anarchist Sociology* (Leiden and Boston: Brill, 2013), pp. 70-99.

⁵³¹ Carpenter, *Prisons, Police and Punishment*, pp. 52-53.

⁵³² As quoted in *ibid.*, pp. 74-75. My emphasis.

A subtle disparity materialises from the doctor's words. It is made clear that a causal relationship is presumed to exist between both one's heredity and debased environment and the resulting insanity (one should note that to attest insanity is influenced by surroundings of a 'degrading', 'demoralizing', and 'morbid' nature is, in this historical context, a form of *petitio principii*, for the signification of such terms and the uncertain object of insanity would have allowed for a rephrasing of the argument to "Things that can upset one's mental faculties might disturb one's mind"). But the idea of pauperism being an influence of criminal behaviour is not presented in such terms. Here, Gover preferred to merely locate in the poorest parts of society criminal recruits abundant. The slums were where depraved influences were *found*. Carpenter, however, consistently highlighted the causative lines of crime straight back to the condition of poverty itself, a condition from which depraved influences were *made*.

As has been shown, Carpenter argued that impoverishment pushes one to steal by 'the sheer necessity of getting some kind of living in a world where every avenue of so called honest livelihood is closed'. But he also saw, as Kropotkin did, that such social conditions change the very constitution of all those who reside therein: '[M]oral lunatics', Carpenter tells us, are not recruited from, but 'are the products of our slums and other diseased social conditions'. The slum is not specified as that which merely houses degrading influences. Diseased social conditions do not merely contain demoralising contagion. They are *causes* of crime themselves. The social conditions that arose from the property system not only provided the stage on which criminal acts could be performed, but influenced the very characters of those waiting in the wings. The subtle contrast between the reach of his and Gover's reasoning is that for Carpenter the imbalanced moral minds of criminals that the doctor condemned are themselves a 'consequent' of poverty.⁵³³ Carpenter's approach can be found to have occupied the scientific domain that had erupted out of Lombroso's school, as he encountered the criminal as a physiological object shaped by phenomenal conditions. Of course, by locating the pathogen of crime in the environment, his affinities stayed close to the Italian school's French rivals. Carpenter, too, saw a middle ground in the nature–nurture debate. But despite viewing criminal behaviour from both the environmental and physiological positions, he would visualise its sources far more clearly in the former – the conditions of life in its entirety largely shaped the condition of the

⁵³³ Ibid.

individual. For Carpenter, the reality was that within the structure of modern civilisation invariably rest the germs of crime. The influence of the social environment on the individual's bearing was to form the foundations of his criminological enquiry.

In assuming such frames of reference, Carpenter rejected the classical illustration of poor people wilfully choosing to commit crimes in their attempts to acquire property or meliorate their lower social standing. Carpenter had first questioned the classical interpretation of crime in 'Defence of Criminals'. Since the sources of crime had been found to largely reside in the organisation of society he decided to address the veracity of the custom of judging acts as righteous or wicked, consequently proposing it inappropriate to base the concept of morality within what an individual *does*. Such a custom was as 'superficial and transient' as the public opinion from which it emerged, and a study of its tenets was merely a history of class conflict.

I think *it* is obvious that there is no such thing as a permanent moral code – at any rate as applying to *actions*. Probably the respect or stigma attaching to particular classes of actions arose from the fact that these classes of actions were – or were thought to be – beneficial or injurious to the society of the time.⁵³⁴

In refuting an act-based morality, Carpenter did not only allude to the transience of social ideals, but biological ones, dismissing the anthropologists who claimed that virtue lay in those actions that were beneficial for the race. Carpenter insisted that a moral code based on principles to ensure intraspecific survival – whether such principles circumscribed to competitive individualism or mutual aid – would have to change in accordance with the conditions of life. As the natural and social environments were varied and ever-changing, what is 'good' (in this case for the species) is dependent entirely on time and place. Those principles and habits that had previously pushed the historical processes of cultural and biological evolution could, according to Carpenter, conversely bring ruin to his day. Such a moral relativism was immersed within fears of sociobiological degeneration and maladaptation. A specific code of moral action based on safeguarding the survival of the species would quickly become racially injurious when it did not apply to the existing climate.⁵³⁵ The criminal act could not direct Carpenter towards an understanding of the assumed reality of criminality and

⁵³⁴ Carpenter, 'Defence of Criminals', p. 38. The emphasis, on both counts, is Carpenter's.

⁵³⁵ Ibid., pp. Moral evolutionists...

immorality. In contemplating the foundational position of his criminological perspective, wherefrom he looked for crime not in the offence but elsewhere, he becomes a luminous reference point for Foucault's historical excavation of a 'substitution of objects', whereby he comprehended the discourse of crime and punishment between 1740 and 1860 to have shifted away from the traditional domain of the criminal act.⁵³⁶ Carpenter knew that anti-social behaviour was bred by the conditions of the social surroundings. But what variables were to account for its cultivation? Just as he followed a genealogy of crime to the environment, he was compelled to trace the branches back to the body of the criminal itself.

Immediately after dismissing the idea in his 1889 article that an immutable immorality resided in the criminal deed, Carpenter marked out the impossibility of locating its existence in the criminal's quintessence. Indeterminacy shawled the idea of 'good' and 'bad' traits, and vices and virtues, like actions, were culturally and contextually relative qualities. Chastity and reverence, for instance, were not always more desirable than unrestraint and insolence. And if 'moral' qualities are too ardently followed the excessive virtuousness can be ruinous and acrimonious: 'The white-washed heroes of our biographies with their many virtues and no faults', besmirched Carpenter, 'do not please us'.⁵³⁷ It was his opinion that enquiry into ethics and criminality had to look beyond the transient superficiality of sinfulness and goodness altogether, whether that be in one's actions or in one's nature. The sources of anti-social behaviour were located in the environment, but their growth, too, had to be explained by natural phenomena and the laws that governed them – those verifiable conditions that *moulded* our existence. Following the likes of Quetelet, Lombroso, and Lacassagne – separated in disciplinary branch and methodology but united under one broad, epistemological assumption – Carpenter believed that natural forces of causation and mechanism could uncover the observable truths that lay behind anti-social behaviour.

For Carpenter, the simplistic Manichean fallacy of morality was eliminated once one removed the normative values of 'good' and 'bad' from human desires, impulses, and instincts. Behind one's 'criminal' actions, underneath one's 'immoral' intentions, lie natural forces and drives, the first sparks of human conduct. In his

⁵³⁶ Foucault, *Discipline and Punish*, p. 17.

⁵³⁷ Carpenter, 'Defence of Criminals', p. 40.

reading of Plato's chariot allegory in the *Phaedrus*, Carpenter finds a fitting expression for his theory of morality. For Plato, human nature can be represented as a horse-drawn chariot (the soul) guided by a charioteer (the faculty of reason). The chariot is pulled by two horses: on the one side, a 'heavenward' horse (a positive influence, such as the feeling of righteous indignation, sympathy, commiseration); on the other, an 'earthward' horse (an irrational, desirous influence, feelings of rapacious appetite and concupiscence – the egoistic tendencies of humankind). Neither 'good' nor 'bad', these energies must be steered in tandem by the charioteer if he wants to reach 'enlightened' destinations.⁵³⁸ Behind the deed, behind the passion of the deed, lies the two essential drives, an imbalance of which would affect one's capability for reasoned thought and feeling. Carpenter reads Plato's allegory as he walks over ground being disturbed by the modern mental sciences.⁵³⁹ Of his printed works 'Defence of Criminals' serves as his first amble into the scientific discourse of deviance and abnormality, and as he became increasingly literate in the burgeoning behavioural science sub-fields of psychology, psychiatry, and sexology, Carpenter would visit such a site with more authority. In *Homogenic Love* in 1895 he would grapple with Krafft-Ebing and neurologist Albert Moll's (1862-1939)⁵⁴⁰ psycho-sexological enquiries and in his 1904 *Art of Creation* he would touch upon the crowd psychology of Gustave Le Bon (1841-1931), the psycho-criminology of Charles Féré (1852-1907), and the moral physiology of his long-standing correspondent Richard Bucke (1837-1902), the psychiatrist and superintendent of Ontario's London Asylum for the Insane. In both of these subsequent works Carpenter continued to place Platonic thought and nineteenth-century psychological theory alongside one another in discussions on deviancy.

In his 1889 article Carpenter portrays a mind wherein thought and action is regulated by the conflict and complement of many drives, each of which is necessary for its typical, healthy function. It is only when relations between forces are found to be disproportionate and irregular that one finds the foundations of anti-social behaviour. Lust, Carpenter insists, though 'maniacal and monstrous in its aberrations',

⁵³⁸ Carpenter, 'Defence of Criminals', pp. 40-41.

⁵³⁹ The dual-system of Plato's chariot allegory – and often the chariot metaphor itself – was appropriated by modern psychiatry and is most famously represented in Sigmund Freud's id, ego, and super-ego. See A. David Redish, *The Mind Within the Brain: How We Make Decisions and How Those Decisions Go Wrong* (New York: Oxford University Press, 2013), p. 70.

⁵⁴⁰ For Albert Moll's sexology, and how it compares to Ebing's, see Harry Oosterhuis 'Sexual Modernity in the Works of Richard von Krafft-Ebing and Albert Moll', *Medical History* 56, 2 (2012), 133-55.

is when married with the drive of love directed towards positive ends.⁵⁴¹ This same cast of thought – that which normalises those elements considered deviant or pathological by observing them as natural forces required to function correctly else they lead to impaired character – is expressed in very similar terms in the aforementioned *Homogenic Love* and *Art of Creation*. In the latter he again commented on sexual drives contending that if lust is not tempered by love, corruption of the mind would inevitably follow. Similarly, in the former he asserts ‘there are excesses of the passion [...] as in ordinary sex-love, where mere physical desire becomes a mania’.⁵⁴² These examples highlight Carpenter’s attempts to convey that those passions widely considered to be ‘vices’ are in fact common and naturally-occurring psychological drives that do not necessarily result in deviant thought nor behaviour. One is reminded of Kropotkin’s words from *In Russian and French Prisons*, whereby he contends that though ‘disproportionate vanity [...] may produce a maniac like Napoleon’, it can in the right conditions and when complemented by other mental faculties produce brilliant entrepreneurs and humanitarians.⁵⁴³ Morality and immorality could not be placed with instinctual tendencies, just as they could not with actions. But Carpenter, like Kropotkin, observed that where emotional drives were exaggerated and intemperate, immoral deeds could follow. In searching for the efficient causes of aberrant behaviour, criminological enquiry would have to focus on the discordance and unrestraint of the passions. From that location could the question of prevention and recovery be addressed.

In *Prisons*, Carpenter was to return to such a site, but with a far more pragmatic approach than he did in ‘Defence of Criminals’. If in his 1889 articles his portrayal of excessive tendencies carried a resemblance to a rather romantic Carlylean or Nietzschean outsider who transcends social mores, whose ‘evil passions, so-called, are not things to be ashamed of, but things to look straight in the face and to see what they are good for’,⁵⁴⁴ in *Prisons* he took a stance that sought to suppress such aberrancy. Those proven to have harmful imbalanced drives – those who have been labelled ‘insane’ or ‘criminal’ by the normative codes of society – are *reformable*. Irregular function could be reversed, and to combat the growing malaise of modern society a

⁵⁴¹ Carpenter, ‘Defence of Criminals’, p. 40.

⁵⁴² Edward Carpenter, *The Art of Creation; Essays on the Self and its Powers* (London: George Allen, 1904), p. 162. Carpenter, *Homogenic Love*, p. 16.

⁵⁴³ Kropotkin, *In Russian and French Prisons*, pp. 354-55.

⁵⁴⁴ Carpenter, ‘Defence of Criminals (Concluded)’, p. 64.

programme of treatment had to be established ‘to evoke as far as possible the dormant social instinct of the criminal’.⁵⁴⁵ The English criminological founders were correct in placing deviancy *within* the criminal, but they are challenged in their claims of irretrievability – Carpenter’s criminals in *Prisons* have brighter futures than do Maudsley’s with their inescapable destinies or prison doctor J. Bruce Thomson’s (1810-1873) with their ‘incurable nature’.⁵⁴⁶ Dormant instincts could be awakened, and this was the task Carpenter laid at the feet of the criminal justice system in *Prisons*. His was a call for the apparatus responsible for the treatment of the criminal to enter the final social-evolutionary stage. Having departed the primitive era of Revenge, civilised society had now outgrown the two ages of Punishment and Deterrence, yet there it remained, incarcerated by the violence of tradition.⁵⁴⁷ To enter the final stage, that of Reclamation, real changes of practice that followed the paradigmatic shift in thought would have to transpire. The practical measures found in *Prisons* that contemplated the reform of the criminal through the reform of the criminal justice system belonged to what Carpenter saw as a transitional phase. Of course, far reaching change would have to accompany such measures for the realisation of that free, voluntarily communal life he craved. Thus Carpenter ends *Prisons* with his vision of wide-scale social reorganisation and the image of ‘Non-Governmental Society’, where criminals were no longer manufactured or brutalised by an inequitable sociopolitical system and an unjust code of law. If the concluding chapter appears slightly out of kilter with the pragmatic tone of the preceding ones, it should be remembered that, as a utopian projection of Carpenter’s, it is vividly different from the romantic and fanciful tone of *Towards Democracy* and *England’s Ideal*. But taken as a whole, there is a marked difference between *Prisons* and ‘Defence of Criminals’, as touched upon above. As will be discussed towards the close of this chapter, in his desire to effectively commence the transition to a crime-free society, Carpenter felt it necessary to look towards the rehabilitative measures of indeterminate sentences and even corporal punishment.

⁵⁴⁵ Carpenter, *Prisons, Police and Punishment*, p. 25.

⁵⁴⁶ Maudsley, *Body and Mind*, pp. 75-76; J. B. Thomson, ‘The Hereditary Nature of Crime’, *Journal of Mental Science*, 15, 72 (1870), 487-98 (p. 488).

⁵⁴⁷ Carpenter, *Prisons, Police and Punishment*, p. 1.

In Defence of Desires

John Stokes writes that Carpenter's criminology was founded on his idea of exfoliation.⁵⁴⁸ Frank McLynn considers his understanding of crime 'as entirely socioeconomic in causation'.⁵⁴⁹ And a contemporary of Carpenter's argued that all of his thought – from that concerned with the relations between the sexes to 'the no less difficult problem of reforms in Prison Management and Criminal Procedure' – was directed by the strong belief that through mankind's history there grows in the social body the conscious tendencies of socialistic sentiment and at the same time in the individual the unconscious internal drives for a return to nature.⁵⁵⁰ There is validity in each author's contention. What is worthy of consideration is how, if at all, these explanations share a common ground. Whilst being careful not to posit that Carpenter approached the subject of crime – or any topic – consistently from a single, unaccommodating standpoint, it is argued that his thoughts on the nature and activity of the individual and of society are supported by a particular philosophical approach. To begin to understand his broad ontological outlook, it is important to examine his attempts to naturalise morality, as seen in his defence of homosexuality.

Carpenter's homosexuality has been thoroughly explored and documented.⁵⁵¹ David Goodway contends that it is from Carpenter's sexuality that his moral radicalism derives.⁵⁵² This is perhaps a rather bold statement, but the idea that his opinions on sexuality, including that of his own, are tied to much of his wider thought is certainly sound. As has already been referenced, in his defence of instincts he would commonly emphasise that lust was a natural drive. The moral matters of homosexuality, however, particularly that which concerned sexual passion, was a more difficult area to contend

⁵⁴⁸ Stokes, *In The Nineties*, p. 102.

⁵⁴⁹ Frank McLynn, *Crime and Punishment in Eighteenth-century England* (London: Routledge, 1989), pp. 374.

⁵⁵⁰ A. H. Moncur Sime, *Edward Carpenter: His Ideas and Ideals* (London: Kegan Paul, Trench, Trubner & Co., 1916), pp. 29-31.

⁵⁵¹ See Chushichi Tsuzuki, *Edward Carpenter 1844-1929: Prophet of Human Fellowship* (Cambridge: Cambridge University Press, 1980), pp. 121-134; Sheila Rowbotham, 'Edward Carpenter: Prophet of the New Life' in Sheila Rowbotham and Jeffrey Weeks, *Socialism and the New Life: The Personal and Sexual Politics of Edward Carpenter and Havelock Ellis* (London: Pluto Press, 1977), pp. 25-138; Beverly Thiele discusses Carpenter's dealing with the questions of sex, focusing on its limitations and flaws, these arising in part in that his perspective was subsumed by his experiences of and agenda in homosexual life and love. See Beverly Thiele, 'Coming-of-Age: Edward Carpenter on sex and reproduction' in *Edward Carpenter and Late Victorian Radicalism*, pp. 100-125.

⁵⁵² David Goodway, *Anarchist Seeds beneath the Snow: Left-Libertarian Thought and British Writers from William Morris to Colin Ward* (Liverpool: Liverpool University Press, 2006) p. 58.

with. To find a place for homosexuality in a repressive, persecutory Victorian society, Carpenter first had to define what homosexuality was as an object, where it originated from, and how it functioned within an individual. In this sense, he was of course trying to understand and define himself as a living being existing within a social collective. Sexual feelings and behaviour – those criminalised or not – would have to be explained, Carpenter thought, by scientific theory. If the condition that one would call ‘homogenic’ – Carpenter’s preferred term over what he saw as the crass and reductive ‘homosexual’ – was to escape the socially and legally constructed domain of immorality and criminality, it would first have to be shown as a naturally occurring biological phenomenon.⁵⁵³

In early 1894 Carpenter started to make approaches on the subjects of sex, love, and gender, attempting to reconcile some of the issues surrounding such matters that were so sensitive in Victorian society. *Homogenic Love*, the last of four pamphlets, was distributed at the beginning of 1895. Although Carpenter had it circulated privately, it still, he later recollected, caused ‘some alarm’, which would continue due to the furore whipped up around Wilde’s homosexual activities.⁵⁵⁴ His intentions were to show that homosexuality – like heterosexuality – could not be reduced to a mere act of carnal pleasure, in the case of males ‘of the crudest and grossest kind’.⁵⁵⁵

While it is not my object in this paper to condemn special acts or familiarities between lovers (since these things must no doubt be largely left to individual judgement, aided by whatever light Science or Physiology may in the future be able to throw upon the subject) – still I am really anxious that it should be clearly understood that the glow of a really human and natural love between two persons of the same sex may be, and often is, felt without implying (as is often assumed) mere depravity of character and conduct.⁵⁵⁶

⁵⁵³ Rowbotham notes Carpenter’s biological understanding of sexual habits. See Rowbotham, ‘Edward Carpenter: Prophet of the New Life’, p. 110.

⁵⁵⁴ Carpenter, *My Days and Dreams*, pp. 195-6. The three other pamphlets were Edward Carpenter, *Sex-Love, and Its Place in a Free Society* (Manchester: Labour Press, 1894); idem, *Marriage in Free Society* (Manchester: Labour Press, 1894); and idem, *Woman, and Her Place in a Free Society* (Manchester: Labour Press, 1894). Carpenter attributed the clamour surrounding the Wilde scandal as the reason why *Love’s Coming-of-Age* – comprised in part by the three pamphlets preceding *Homogenic Love* – to be pulled from Fisher Unwin’s shelves. His *Towards Democracy* would soon suffer the same fate. Carpenter, *My Days and Dreams*, p. 196.

⁵⁵⁵ Carpenter, *Homogenic Love*, p. 9.

⁵⁵⁶ Carpenter, *Homogenic Love*, pp. 9-10.

For Carpenter to release homosexuality from the charge of depraved character and conduct, he intended to show the scientific basis of it as an ‘inner feeling’,⁵⁵⁷ that like all other drives was not subject to the culturally and historically constructed concepts of vice and virtue. Carpenter looked to the flourishing discursive fields of psychiatry and medical psychology to legitimise his belief, drawing on the work of Moll, Krafft-Ebing, Paul Moreau (1844-1905), Lombroso, Benjamin Tarnowsky (1837-1906), and Paolo Mantegazza (1831-1910), all of whom had established on epistemological grounds the theory of ‘sexual inversion’, that homosexual thought and behaviour originated not from depraved external influences but from an individual’s physiological make-up. Far from being a passive observer, Carpenter directly engaged with and even challenged some of the scientific findings. He disagreed with Moll’s conclusion that one can classify homosexuality as ‘morbid’ simply based on the fact that it was not part of the ‘natural’ desire of race propagation, arguing that sexual relations amongst humans had evolved, biologically and socially, to be much more than a mere means of survival.⁵⁵⁸ Such a contention was consistent with that found in ‘Defence of Criminals’ where Carpenter had refuted the idea of finding a moral code in any fixed notions of evolutionary selection. On another flank he challenged Krafft-Ebing’s assertion that homosexuality emerged from biological degeneration. In a similar vein to much of his reasoning on criminality in general, Carpenter would argue that degenerative tendencies observed in homosexual individuals were caused by an oppressive, dehumanising society that pours scorn on their very nature, resulting in the repression of the healthy expression of desire and affection. As such, the ‘nervous temperament’ which Krafft-Ebing concludes to be an example of the homosexual’s degenerative qualities ‘ought perhaps to be looked upon as the *results* rather than the causes of the inversion’.⁵⁵⁹

As he would come to argue in *Prisons*, Carpenter emphasised the notion that physiological foundations were susceptible to change under certain environmental conditions. In his defence of homogenic sexual drives he nevertheless admitted the existence of a form of ‘morbid’ homosexuality, differentiating the ‘sexual invert’ from

⁵⁵⁷ Carpenter, *Homogenic Love*, p. 9.

⁵⁵⁸ Carpenter, *Homogenic Love*, p. 15. Indeed, Carpenter sees the overbearing importance in propagation, swelled by the theory of natural selection, to have limited the understanding of love. Such a limited view sees love merely as directed to child-bearing, and probably set the unconscious mind against sexual inversion. *Ibid.*, p. 18.

⁵⁵⁹ *Ibid.*, pp. 15-16.

those who would engage in homosexual activity ‘out of mere carnal curiosity or extravagance of desire, or from the dearth of opportunities for a more normal [womanly] satisfaction (as in schools, barracks, etc.)’.⁵⁶⁰ Reiterated once more is the idea that the repression and exaggeration of sexual passions – leading to an instability of natural instincts – and not the passions themselves would result in ‘immoral’ character or conduct. The innate drive of homosexual love found in some individuals was not a morbid disorder afflicting the heterosexual condition nor a degenerative aberration.⁵⁶¹ In the same way that he came to the defence of all drives and instincts, Carpenter would insist that homosexuality was not something to be reformed or cured, even if it were possible to do so.⁵⁶² Homosexual individuals could live healthy and ‘moral’ lives only once society stopped dehumanising them. Such individuals were physiologically afflicted with the scourge of deleterious social conditions in the same way as those who were driven to crime.

Like Ellis and his sexological studies, Carpenter participated within that epistemological domain that plotted humankind’s deviancy on charts of physiological and psychological knowledge. His attempts to explain homosexual drives were, as Beverly Thiele points out, driven by his endeavour to moralise homosexuality.⁵⁶³ But it also belongs to a wider part of his ontological belief. Carpenter’s moralising of homosexuality was part of his conviction in a ‘naturalised’ morality. All human activity could be explained by conscious and unconscious impulses that were neither ‘good’ nor ‘bad’ in a normative sense. Drives and passions were ‘earthward’ and ‘heavenward’ only in their direction towards the ‘I’ or the ‘Other’, and morality existed only in their interrelation with reasoned thought. Carpenter’s exoneration of passions and desires – such as that found in *Prisons* and ‘Defence of Criminals’ as well as his sexological

⁵⁶⁰ Carpenter, *Homogenic Love*, p. 11.

⁵⁶¹ Carpenter would reiterate his defence of homosexuality that it is not to be seen as degeneracy of disease in his 1908 *The Intermediate Sex*, praising in particular the work of Havelock Ellis. Edward Carpenter, *The Intermediate Sex: A Study of Some Transitional Types of Men and Women* (London: Swan Sonnenschein & Co., 1908), p. 54.

⁵⁶² At the time of Carpenter writing *Homogenic Love*, the medicalisation of homosexuality had largely defined it within the discourses of moral insanity and moral illness, bringing with it the inherent notion of treatment or cure. See Ivan Crozier, ‘Nineteenth-Century British Psychiatric Writing about Homosexuality before Havelock Ellis: The Missing Story’, *Journal of the History of Medicine and Allied Sciences*, 63, 1 (2008), 65-102.

⁵⁶³ ‘The hidden agenda in Carpenter’s account of sex-love was a defence of homosexuality. The main elements of his analysis - the idealisation of sentimental Love over and above physical sensuality, the presumption that restraint and denial were the mechanisms for transcending the grosser desires and gaining access to the higher human emotions, and the assumption of essential differences - were all necessary elements of Carpenter’s justification of the *morality of homosexuality*’. Thiele, ‘Coming of Age’, p. 106. My emphasis.

texts – is predicated on the idea that without social sanction and legislation, humans have, like other gregarious animals, acted towards the social good. He told audiences in Edinburgh and London in 1886 that man had existed in a ‘healthy’, harmonious society in the past – the ideal of the Common Life in embryonic form – and once humankind wakes from ‘the immense nightmare’ of civilisation it will return to its natural ways of sociality, in matured form.⁵⁶⁴ Communalism and fraternity lay in the origins of mankind, and was not imposed by the authority of Hobbes’ state leviathan, nor reasoned through the principles of duty and conformity. There existed in man a natural morality, the basic tendencies for humankind to deviate towards what Carpenter would later call a ‘voluntary’ collectivism and socialism.⁵⁶⁵ As it has been shown, much of his writing on humankind’s moral instinct is very similar to Kropotkin’s. His words also ring resoundingly similar in places to those of Guyau, whose moral philosophy was revered by the Russian émigré. Although Guyau has become a forgotten figure, he was sufficiently well known in England to have his works translated shortly after his early death.⁵⁶⁶ In his major philosophical treatise, *A Sketch of Morality Independent of Obligation or Sanction* (1885), he portrays a holistic understanding of ethics, arguing, in contrast to both the materialist’s dismissal of an absolute moral code or the idealist’s categorical hypothesis, for a morality that is defined by its variability, its autonomy, and its anomy. Natural desires and tendencies are found in humankind to be social and connective. All life feels outwards, it is expansive. Morality for Guyau was merely the physical laws of life’s fecundity.⁵⁶⁷ The

⁵⁶⁴ Edward Carpenter, ‘Private Property: A Lecture given in London and in Edinburgh, 1886’ in Carpenter, *England’s Ideal, and other Papers on Social Subjects* (London: Swan Sonnenschein, Lowry & Co., 1887), pp. 115-38 (pp. 137-8).

⁵⁶⁵ Carpenter, *Prisons, Police and Punishment*, pp. 108, 111. The emphasis is Carpenter’s.

⁵⁶⁶ Indeed, Guyau was certainly well-known in socialist circles by the close of the century, his *Éducation et Hérité: étude sociologique* (1889) published as part of the Contemporary Science Series in 1891, whilst Havelock Ellis was editor. As well as Kropotkin’s later writing concerning his thought, Ellis in 1900 would quote Guyau in his second volume (but subsequently renumbered as the first) of *Studies in the Psychology of Sex*. See Ellis, *Studies in the Psychology of Sex: The Evolution of Modesty. The Phenomena of Sexual Periodicity, Auto-Erotism* (Philadelphia, PA: F. A. Davis Company, 1901), p. 5. I also suspect that Carpenter knew of Guyau’s moral philosophy. The English edition of *Esquisse d’une morale sans obligation ni sanction* was translated by Gertrude Muysken-Kapteyn, a personal friend of Carpenter. See B[artholomeus]. de Ligt, *Kerk, Cultuur en Samenleving: Tien Jaren Strijd Door* (Arnhem, NL: N.v. Uitgevers-Maatschappij van Loghum Slaterus & Visser, 1925), p. xlv.

⁵⁶⁷ [Jean-]M[arie]. Guyau, *A Sketch of Morality Independent of Obligation or Sanction*, trans. by Gertrude Kapteyn (London: Watts & Co., 1898), pp. 3-5, 86-87. First published in French as *Esquisse d’une morale sans obligation ni sanction* (1884). For analyses of Guyau’s moral philosophy see Marco Orru, ‘The ethics of anomie: Jean-Marie Guyau and Emile Durkheim’, *The British Journal of Sociology*, 34, 4 (1983), 499–518, and Keith Ansell-Pearson, ‘Morality and the philosophy of life in Guyau and Bergson’, *Continental Philosophy Review*, 47, 1 (2014), 59-85.

similarities with Carpenter's moral thought should be clear. In 1907 Carpenter discussed the 'New Morality', and how it would function under socialism. It did not come from laws, but from the 'sense of organic unity, of the common welfare, the instinct of Humanity, or of general helpfulness, [...] things which run in all directions through the very fibre of our individual and social life'. And echoing Guyau most resolutely, Carpenter stated that morality 'is simply *abundance of life*'.⁵⁶⁸

Like Guyau and Kropotkin, in holding the belief that morality stems from existence itself, Carpenter's charge was to account for the emergence of immorality. Quoting from Kropotkin's essay 'Law and Authority', Carpenter asked in *Prisons* what 'has nursed and developed the instincts of cruelty in man [...], what corruption, what degradation of the soul is continually bred in humanity by these notions of obedience [...], of punishment, [and] of authority'.⁵⁶⁹ It has already been shown that Carpenter saw the social conditions of modern life as creating an imbalance in the individual's natural drives, encouraging discordant and unreasonable thought and behaviour – the ingredients for immoral and criminal acts. This is not to say that Carpenter did not observe the numerous steps that could complicate the transition from poverty to crime, such as the increased likelihood of alcohol abuse in impoverished conditions, or simply an increased desire for goods that are otherwise unattainable. These, as well as the physiological and psychological aberrations that stem from depraved social conditions – are the efficient causes of crime. But Carpenter's aetiological understanding also found that anti-social thought and behaviour was the final outcome, irrevocably, of the social inequity that characterised modern society. Criminal contagion may run through the squalid, overcrowded, demoralised city, infecting the bodies and minds of its constituents. But the pathogenesis of such moral sickness, for Carpenter, was found in the very inception of civilisation. He stated in *Prisons* that to tackle the scourge of law and crime one had to look to the social conditions of modern civilisation, for '[t]here clearly the root of the evil lies'.⁵⁷⁰ The idea that Carpenter was expressing here, as will be shown henceforth, was that immoral behaviour did not merely occur through a myriad of cause-effect stages, whereby one can plot the journey from, for instance,

⁵⁶⁸ Edward Carpenter, 'The New Morality' in Carpenter, *Civilisation: Its Cause and Cure, and Other Essays*, complete edition (London: George Allen & Unwin, Ltd, 1921), pp. 243-264 (p. 257)
Originally published as 'Morality Under Socialism' in the *Albany Review* (1907)

⁵⁶⁹ As quoted in Carpenter, *Prisons, Police and Punishment*, pp. 38-39.

⁵⁷⁰ *Ibid.*, p. 61.

poverty to alcohol abuse to intemperate emotions to crime, but that crime existed within the very roots of civilisation themselves.

In Carpenter's earlier work *Towards Democracy* he included a poem entitled 'In the Grass: By a Monad (of Leibnitz)', paying homage to Whitman's *Leaves of Grass* (1855) and Gottfried Wilhelm Leibniz' (1646-1716) theory of 'monadology'. Carpenter found a common ground in Whitman's and Leibniz' atomist ontologies that would come to influence his own ideas on human nature.⁵⁷¹ Thus, a brief exposition of Leibniz' monad is necessary. The body's smallest substance, the monad, contains the entelechy, the vital principle of existence. An initial state of perception and appetite, it is the most elementary form of a 'soul'. The entire universe and its perfect order is mirrored by the monad, thus, in the perception of the monad there can be found perfect order. As a body is merely an aggregate of monads, it too contains the represented order of the universe. A body is the instrument of the monadic soul, and works according to the natural order external to it, mirrored within its soul. It is a natural automaton, governed by natural laws.⁵⁷² The laws of causation in Leibniz' philosophy is important to understand here, as it is found that Carpenter's thought assumes a similar shape. In 1702 he laid out some of his aetiological assumptions. Whereas in the body each state of being emerges from a previous state according to the laws of efficient causes (a mechanical series of motions, from cause to effect), in the monadic soul a state emerges from the previous according to the laws of final causes (from appetite, from the end to the means). The image of the end in the soul is the efficient cause of the image of the means.⁵⁷³ Leibniz' ontology, then, posits that ends, final causes, outcomes, existing within the perception of the monad, are the root cause of subsequently emergent states.⁵⁷⁴

Carpenter is found discussing the nature of existence and the mechanism of cause and effect in his essay 'Exfoliation: Lamarck *versus* Darwin' in 1889. Therein he advocates a Lamarckian theory of evolution with a distinctly Leibnizian inflection.

⁵⁷¹ Steven Jay Marsden similarly finds Carpenter to have perceived a shared philosophical domain in Whitman and Leibniz. Steven Jay Marsden, "'Hot Little Prophets": Reading, Mysticism, and Walt Whitman's Disciples' (unpublished PhD, Texas A&M University, 2004), pp. 274-276.

⁵⁷² Gottfried Leibniz, 'The Monadology, 1714' in *The Philosophical Works of Leibniz*, trans. (with notes) by George Martin Duncan (New Haven: Tuttle, Morehouse & Taylor, 1890), pp. 218-232 (p. 227-8).

⁵⁷³ Gottfried Leibniz, *Opera Omnia*, ed. by L. Dutens, vol. 2 (Geneva: Fratres De Tournes, 1768), pp. 133-134.

⁵⁷⁴ This is the main argument in Laurence Carlin, 'Leibniz on Final Causes', *Journal of the History of Philosophy*, 44, 2 (2006), 217-33.

Believing that variation occurs through need and desire rather than spontaneous chance, Carpenter states that the theory of exfoliation ‘fixes the attention on that which appears last in order of Time, as the most important in order of causation, rather than on that which appears first’.⁵⁷⁵ The concept of the monad can be located in a number of his illustrations. As he would echo in *The Art of Creation* by saying that the image of the tree exists in the seed like a ‘formative ideal’,⁵⁷⁶ Carpenter asserted in ‘Exfoliation’ that the image of the house is the cause of the brick, and that ‘cells are not the origin of Man, but Man is the original of the cells’.⁵⁷⁷ Continuing with such observations, he discusses the notion of causation in similarly Leibnizian terms:

[A] reconsideration [...] might, I take it, lead us not so much to look on the later changes as *caused* by the earlier, as to look on the earlier as the indications and first outward and visible signs of the coming of the later. When a man feels in himself the upheaval of a new moral fact, he sees plainly enough that that fact cannot come into the actual world all at once—not without first a destruction of the existing order of society—such a destruction as makes him feel satanic; then an intellectual revolution; and lastly only, a new order embodying the new impulse. When this new impulse has thoroughly materialised itself, then after a time will come another inward birth, and similar changes will be passed through again.⁵⁷⁸

In fact, Carpenter considered, that if one was to think in terms of causation at all, it should be seen that ‘the *final* cause and the *efficient* cause are one’, that all external phenomena are not linked to one another, but exist together by an underlying thought or feeling.⁵⁷⁹ His belief was that the complex social structures of family and community that can be observed throughout human history and even in intelligent animals are found in the vital principle of the monadic soul. A plurality of individuals is held together not by links, but by entelechial forces. Attempting to articulate such a position in *The Art of Creation*, Carpenter would draw upon the crowd psychology of Le Bon,

⁵⁷⁵ Carpenter, ‘Exfoliation: Lamarck *versus* Darwin’, p. 142. Some have said that Carpenter’s ‘desire’ differs from Lamarck’s ‘need’ (*besoin*), in that it is more conscious and active, but that is not the case. In *The Art of Creation* he uses the terms synonymously, and states that the ‘Desire or Need’ which sits in the human breast is ‘exactly similar’ to that which sits in the unconscious seed. Carpenter, *The Art of Creation*, p. 29. For the contention that there is a difference between the two, see Tony Brown, ‘Introduction’ in *Edward Carpenter and Late Victorian Radicalism*, pp. 1-16 (p. 6).

⁵⁷⁶ Edward Carpenter, *The Art of Creation*, p. 29.

⁵⁷⁷ Edward Carpenter, ‘Exfoliation: Lamarck *versus* Darwin’, p. 143.

⁵⁷⁸ *Ibid.*, pp. 143-44

⁵⁷⁹ *Ibid.*, p. 144.

insisting that a mass of individuals becomes an individual organism itself. The ‘social organism’, he is well aware, has become a common term in contemporary parlance. But Carpenter differentiates his concept from abstract descriptions and metaphors. It was his strong belief that society, echoing Kropotkin in no uncertain terms, was ‘something very much alive indeed’, the image of which is found within the very essence of the monad.⁵⁸⁰

Following his aetiological and ontological assumptions, it can be posited with confidence that Carpenter did not merely see crime as the result of efficient causes. Undeniably, the vast majority of crime, he thought, was ‘*instigated* by the desire for property or possession’.⁵⁸¹ But it was in the very roots of social inequity, the very essence of the property system, that crime inexorably and interminably lay. The society within which Carpenter lived, that organism of which he was a constituent part, was, as expressed in the basic idea of *Civilisation: Its Cause and Cure*, an aberration of existence. An excessive mutation deriving from the deep-rooted principle of Gain, it had been fortified by the offshoots of fear and greed.⁵⁸² The balanced, inherently social propensities that lay in the origins of humankind had become warped; the ‘physical unity which constitutes health’ lost in both society and the individual.⁵⁸³ Carpenter’s monadological perspective saw the image of anti-social ends in the root of civilisation. Ever since the unity of ‘true society’ fell into discord after being infected with such a disease, the individual inevitably suffered from the same malady:

This sense of unrest, of disease, penetrates down even into the deepest regions of man’s being—into his moral nature—disclosing itself there, as it has done in all nations notably at the time of their full civilisation, as the sense of Sin.⁵⁸⁴

Whereas civilisation was an aberrance of human existence, crime was the natural outcome of civilisation. In the same way that Carpenter found homosexuality to lie within the natural proclivities of individuals, and both morality and immorality to reside within instinctual driving forces, crime and criminality was found in the very

⁵⁸⁰ Edward Carpenter, *The Art of Creation*, pp. 91-2.

⁵⁸¹ Carpenter, *Prisons, Police and Punishment*, p. 47. My emphasis.

⁵⁸² *Ibid.*, p. 100.

⁵⁸³ Carpenter, ‘*Civilisation: Its Cause and Cure*’, pp. 32-33

⁵⁸⁴ *Ibid.*, p. 3.

core of the inequitable social system within which all lived. The image of crime existed in civilisation like a formative ideal.

Turning the Criminal into a Fellow Citizen and Brother

Carpenter saw crime as an elemental integrant of civilisation. This artificial phase of human history would come to pass, he believed, as society began its ‘descent’ – a return to its roots. Such a passage would see the criminal ‘reclaimed’, and become once again ‘a fellow citizen and a brother’.⁵⁸⁵ The specifics of social reorganisation would change for Carpenter, as he flirted with images of the institutional structures of both non-governmental society and the ‘double collectivism’ of a coexisting voluntary and state socialism.⁵⁸⁶ The formative ideal, however, found in both the roots of human existence and in its final realisation, was always total freedom for the individual, and it was this pursuit that he saw as the ultimate aim of socialism:

[T]he general Socialist movement (including therein the Anarchist) has done and is still doing a great and necessary work and I am proud to have belonged to it. It has defined a dream and an ideal, that of the common life conjoined to the free individuality, which somewhere and somewhen must be realized, because it springs from and is the expression of the very root-nature of Man.⁵⁸⁷

When Carpenter thought about the institutional make-up of society he never let go of his central ontological beliefs. The desire to be free has always existed in humankind, and any restrictions on such freedom would result in poor health for both the individual and social body. During the transition to freedom, Carpenter thought that the arm of the state could be extended to the administration of some industry, commerce, and public service – indeed, it could be put to great use – but such would be the limit of its reach. Marie-Françoise Cachin believes that Carpenter’s anarchist-socialism is not just a political endeavour, but a wider philosophical one that places the individual and his fulfilment at its fore. In Cachin’s view, such individualism was Carpenter’s ‘counterbalance’ to his socialist hopes of the Common Life.⁵⁸⁸ Rather than a

⁵⁸⁵ Carpenter, *Prisons, Police and Punishment*, p. 9.

⁵⁸⁶ Cachin, ““Non-governmental Society””, pp. 62-63.

⁵⁸⁷ Carpenter, *My Days and Dreams*, p. 130

⁵⁸⁸ Cachin, ““Non- governmental Society””, pp. 67-8.

counterbalance, I believe, it should be seen as an integral component to the Common Life – only a free individual could be a social individual, living and working in common with his fellow men. This was ‘Communism and Individualism in one vital unity’, he wrote in *My Days and Dreams*, which would only come about after the state gave way to ‘voluntary and instinctive consent and mutual helpfulness’, the anarchist ideal realised.⁵⁸⁹ Such an image was expressed in ‘Non-Governmental Society’: ‘How Utopian it all sounds!’,⁵⁹⁰ Carpenter would wryly exclaim. ‘But it is really absurd to argue about the possibility of these things in human society, when we have so many actual examples of them before our eyes’.⁵⁹¹ He saw the coexistence of the Common Life and the free individual in early and existing tribes of humans and animals. His hopes were that such a life would again be realised; a life without *any* form of externally organised restraint. ‘Surely the time will come’, he wrote in 1902, in one of his most utopian poems, when fear, torment, hanging and imprisonment would not be used to secure the well-being of society.⁵⁹² Forever keeping hold of the image of his ideal future, Carpenter had in the closing years of the century started to direct his thought to the necessary transitional phase, to the course of remedial treatment that needed prescribing. *Prisons*, and the suggested measures therein, should be seen in such a light. It was his contention that whether or not the social harmony of the Common Life would one day be achieved, ‘the practical question’ was how the current institutional evils ‘can be moulded and modified in the right direction’.⁵⁹³

As stated at the beginning of *Prisons*, the transition would have to involve both the protection of society and the rehabilitation of the criminal. A tension emerges between, on the one hand, Carpenter’s anticipation of the paradigmatic shift of thought that would allow humankind to see past its confined conceptions of immorality and see the reunion of individual and community, and on the other the need to work within the current paradigm towards the immediate objectives of social protection and criminal

⁵⁸⁹ Carpenter, *My Days and Dreams*, p. 127.

⁵⁹⁰ Carpenter, *Prisons, Police and Punishment*, p. 100.

⁵⁹¹ *Ibid.*, p. 103.

⁵⁹² Edward Carpenter, *Who Shall Command the Heart? Being Part IV of Towards Democracy* (London: Swan, Sonnenschein & Co., 1902), pp. 22-24.

⁵⁹³ Carpenter, *Prisons, Police and Punishment*, p. 64.

rehabilitation.⁵⁹⁴ Though, as it has been shown, Carpenter was vehemently opposed to judicial law, in dealing with the contemporary problem of the criminal he felt compelled to call upon its use. In contrast to Kropotkin's calls for the abolishment of prisons, the police, and the judiciary that concluded his 1882 article on Law and Authority Carpenter believed such abolitionism was 'quite impractical'.⁵⁹⁵ Whatever the future held, in the present day criminals would continue to offend and prisoners would continue to serve sentences, and the defence of society, Carpenter thought, was vital. In this sense, it is easy to place his thought, as it was with Kropotkin's, within that knowledge regime that surrounded the object of 'the dangerous individual', a figure that threatened society and needed rehabilitation or even cure. Before the Common Life was realised, society 'had the right' to expurgate the injurious elements of its body. The present prison system needed drastic reform, particularly as it resulted in recidivism, and aligned as close as possible to the ideal towards which society was moving.

As Carpenter had asserted at the beginning of *Prisons*, humankind had to leave the epistemic stages of Punishment and Deterrence and enter that of Reclamation. If the property system 'manufactured' the criminal, the prison system reinforced his criminal propensities. Agreeing with the likes of Kropotkin and Wilde, he saw the paralysing effects prison had on the spirits of its inmates, weakening their minds and turning them into machines. This belongs, of course, to his wider ontological assumptions and criticism of civilisation.⁵⁹⁶ He proscribed for the criminal that which he proscribed for individuals in general: they needed to be nursed back to health through good diet, associated work, a hygienic and communal environment. These were needed for the institutions that were to sequestrate the criminal from society until resocialised. The image of the industrial reformatory reappears once again, placed on a pedestal with its promise of education, training, and remedial care. Carpenter can be somewhat excused for his advocating a system that would come to be associated with

⁵⁹⁴ 'Paradigm' is used intentionally here, to be read in the Kuhnian sense. Carpenter's perception that scientific knowledge was relevant to social and cultural assumptions is reminiscent of Thomas Kuhn's thought. See Christopher E. Shaw, 'Identified with the One: Edward Carpenter, Henry Salt and the Ethical Socialist Philosophy of Science, in *Edward Carpenter and Late Victorian Radicalism*, pp. 33-57 (pp. 36, 46-7).

⁵⁹⁵ Carpenter, *Prisons, Police and Punishment*, p. 46.

⁵⁹⁶ John Stokes and Sheila Rowbotham both see Carpenter's condemnation of the dehumanising influence of prisons as part of his wider criticism of a mechanised world where function holds primacy over spirit. See Stokes, *In The Nineties*, p. 102; Sheila Rowbotham, *Edward Carpenter: A Life of Liberty and Love*, pp. 251-2.

abuses against individuals – particularly young offenders – in the name of work, reform, and cure, for his was an ideal that genuinely believed in prisons providing good work and fresh air.⁵⁹⁷ And yet writing in 1905 he would have been aware of the investigations into such abuse at Elmira. More unedifying, however, is his support to varying degrees for the practices one also finds him condemn. Abandoning all forms of punishment was not only the ‘best and wisest’ idea, Carpenter asserted, but ‘the only possible course’ to be taken.⁵⁹⁸ And yet, his criminological approach provided legitimacy for corporal punishment in specific circumstances. As a form of punishment, Carpenter condemned bodily harm as a contemptible and dangerous practice, calling for its command to be taken out of the hands of judges.⁵⁹⁹ But as a form of remedial treatment, under the charge of medical heads of reformatories, it was acceptable.⁶⁰⁰ The epistemological framework adopted by Carpenter legitimised such methods by positioning criminality inside the individual’s body – even if it did not originate there – an affliction that could be cured or removed by physical means so as to make one a social creature once again. It is on such a ground that Carpenter, astonishingly, could advocate capital punishment, though quite unwillingly. In the case of ‘hopeless recidivists’ and those whose ‘criminal propensities [...] have been proved to be entirely ineradicable’, death would be the only means to prevent them from harming society.⁶⁰¹ Whereas corporal punishment was acceptable if it removed the criminal affliction from the individual body, capital punishment would have to be used to remove the criminal affliction from the social body, a form of social surgery. On the question of such methods of punishment, Carpenter knew that they would not facilitate the realisation of the Common Life, but when faced with the real issue of society’s protection from threatening elements, they were necessary courses of action:

I do not believe that society will be saved by the rule of nonviolence, nor by any hard and fast rule—*certainly not by the rule of Violence*. But I believe in good sense.⁶⁰²

Sensible violence, then, in Carpenter’s view could be applied by those professionals, medical or otherwise, who were safeguarding society from the object of the criminal

⁵⁹⁷ Sheila Rowbotham, *Edward Carpenter: A Life of Liberty and Love*, p. 309.

⁵⁹⁸ Carpenter, *Prisons, Police and Punishment*, p. 58.

⁵⁹⁹ *Ibid.*, p. 57.

⁶⁰⁰ *Ibid.*, pp. 37-8, 138-9.

⁶⁰¹ *Ibid.*, p. 145.

⁶⁰² *Ibid.*, pp. 37-8.

as it was defined by science, particularly the branches of psychiatry and medical psychology. The epistemological grounds on which Carpenter could justify such measures of coercion and force as a means to protect society from dangerous individuals would also, as seen in the thought of Wells and Ellis, be used to legitimise the discussion of sterilisation in the practice of negative eugenics. The rehabilitative ideal, particularly when assimilated by an ideological approach that would, to varying degrees, elevate the well-being of the social over the liberty of the individual, was a method of violence even in the gentle hands of Carpenter.

The variation in the approach found in *Prisons* and that in 'Defence of Criminals' can be considered in a number of different contexts. *Prisons* was largely a response to texts and developments emerging from within the confines of governmental enquiry. A shape similar to that of 'Defence of Criminals' would not fit well in such a frame. And Carpenter's understanding of crime would have naturally altered to some extent over the years, his picture of criminal behaviour continually marked by the tumultuous and fertile sciences of psychiatry and criminology. But it may also reflect a development in his political outlook, a participant in the thick of a transforming political landscape. The utopianism emanating from the socialist movements in the 1880s had dissipated in the succeeding decade. Rowbotham follows Carpenter's directional shift at the beginning of the 1890s that saw him, swimming with the tides of change, moving away from the anarchist-communist idealised future and instead start to focus on the collectivist-socialist transitional phase.⁶⁰³ He saw, like others, the need for the socialist movement to embrace a pragmatic radical political programme rather than merely living a life of liberty. The birth of the Independent Labour Party in 1893 represented 'an impulse towards a wider-reaching socialism'.⁶⁰⁴ The aspirations of radical party politics were perhaps wider, with real opportunities of change apparently within reach, but it was certainly a shorter-sighted perspective. The utopia of the future faded into the distance, overshadowed by the reform of tomorrow. As Carpenter said in 1897 in 'Transitions to Freedom', reprinted in *Prisons*, 'it is getting time to be practical'.⁶⁰⁵

⁶⁰³ Sheila Rowbotham, *Edward Carpenter: A Life of Liberty and Love*, pp. 140, 170-78.

⁶⁰⁴ *Ibid.*, p. 171.

⁶⁰⁵ Edward Carpenter, 'Transitions to Freedom' in *Forecasts of the Coming Century. By a Decade of Writers*, ed. by Edward Carpenter (Manchester: The Labour Press, 1897), pp. 174-92 (p. 187).

The influences behind Carpenter's shift can be speculated, but it is not for this study to focus on the reasons behind his decision-making; an exploration of the author. The aforementioned conditions are significant, however, in that they help to create a 'feel' of the climate in which his text is produced. The salient point is that *Prisons* was a piece of work constructed in a climate consumed by ideas of practical reform in criminal law. A critical site had been reached, a result of the incompatibility of newly emergent concerns and epistemologies and the space set out by the 'classical' apparatus born in the eighteenth century. It was a specific point that insisted on intervention rather than speculation, practical action rather than far-removed apotheosis:

There will necessarily be a long and difficult period of transition. That, however, is no reason why we should not begin at once to make the transition. Indeed, it is clear that if we are to save ourselves from destruction we *must* do so.⁶⁰⁶

Carpenter was writing *Prisons* within a framework that required alternative measures grounded in the real world of crime and its prevention. A diagnosis of the criminal and of the deficiencies of the existing structure of the moral and legal constitution had been introduced in 'Defence of Criminals' and developed in *Prisons*. The latter, however, composed within the centre of a perceived critical point, was to prescribe remedial action:

⁶⁰⁶ Carpenter, *Prisons, Police and Punishment*, pp. 46-47.

Conclusion

At the end of the period on which this thesis is focused, one finds the publication of *The English Convict*, Goring's seminal criminological treatise. First commissioned in 1901 by Visiting Inspector of Prisons Sir Bryan Donkin (1845-1927) and Medical Inspector of Prisons Sir Herbert Smalley (1851-1945), it would come to be known as *the English contribution to criminological thought*.⁶⁰⁷ Largely a polemic against Lombroso's methodological approach to the science of crime, it followed Quetelet, Galton, and Pearson – the latter enlisted to apply his biometric method to the criminal data Goring had gathered – as it encountered crime on a road 'paved by statistical facts'.⁶⁰⁸ It boasted the authority of numbers and mathematical proficiency that Lombroso's criminology had supposedly lacked, going so far as to claim the anthropological school's Italian founder's approach was devoid 'of any virtue of science' and expressed 'the total lack of the scientific spirit'.⁶⁰⁹ Goring not only asserted that such investigations were unscientific but he represented the approach therein as both antiquated and unreasonably monocausal, protesting that Lombroso's 'anthropological monster' had been misleadingly presented as having a peculiar organisation that 'stigmatised him as predestined to evil'.⁶¹⁰

And yet, though lauded by some as the successful refutation of the assumed hard biological determinism of Lombroso, *The English Convict* was by others seen as a corroboration of the anthropological school's tenets. Gina Lombroso-Ferrero, following her father in the study of criminal psychiatry, stated with the same hyperbole as Goring in a much quoted remark that the latter had shown himself to be 'more Lombrosian than Lombroso'.⁶¹¹ Such a dissonant reception has largely been explained in Beirne's analysis of *The English Convict's* investigation. The confusion can be attributed to the attempt of Goring to dismiss the notion of the born criminal, but at the same time propose a remarkably similar figure, one that also 'allowed a definite space

⁶⁰⁷ See Beirne, 'Heredity versus Environment', pp. 315-16.

⁶⁰⁸ Charles Goring, *The English Convict: A Statistical Study* (London: Her Majesty's Stationery Office, 1913), p. 370.

⁶⁰⁹ *Ibid.*, p. 12.

⁶¹⁰ *Ibid.*, p. 370.

⁶¹¹ Gina Lombroso-Ferrero, 'The Results of an Official Investigation Made in England by Dr. Goring to Test the Lombroso Theory', trans. by Victor Von Borosini, *Journal of the American Institute of Criminal Law and Criminology*, 5, 2 (1914), 207-23, p. 210. First published in Italian in *Archivio di Antropologia Criminale, Psichiatria, e Medicina Legale*, 35 (1914).

for the intersection of rigidly determinist concepts of criminality and abnormality'.⁶¹² This difficult to define figure sat between Goring's erroneous portrayal of both Lombroso's and the sociological school's criminal, and will be familiar to the reader of this thesis. Indeed, Goring rejected three schools of criminological thought on rather unsophisticated grounds: the classical school as that which posited the 'deliberate choice' of the criminal, who 'had enlisted away from the side of the angels'; Lombroso's positivist school as a monocausal view that portrayed offenders only as abnormal and diseased; and the sociological school which, he claimed, saw that anti-social behaviour 'must be solely and entirely the product of an adverse environment'.⁶¹³ On the back of the unexceptional testimony that there was no such figure as the free-willed individual who merely chose to do evil, as the abnormal individual born a criminal, or as the normal individual forced into crime by his environment, Goring claimed his and Pearson's investigation proved that a large sample of people will show groups of individuals exhibiting specific *tendencies* and *traits* common to those found in prisons.⁶¹⁴

Goring's findings followed the current trend in the prominent talking points of medico-legal discourse – the object of mental deficiency and the practice of eugenics – as he concluded that 'the genesis of crime, and the production of criminals, must be influenced by heredity'.⁶¹⁵ For Goring, the undesirable traits he had identified as common to the criminal would need to be modified through the means of education, or removed from society by measures of detention or controls on reproduction:

The crusade against crime may be conducted in three directions. The effort may be made to modify inherited tendency by appropriate educational measures; or else to modify opportunity for crime by segregation and supervision of the unfit; or else—and this is attacking the evil at its very root—to regulate the reproduction of those degrees of constitutional qualities—feeble-mindedness, inebriety, epilepsy, deficient social instinct, etc.—which conduce to the committing of crime.⁶¹⁶

⁶¹² See Beirne, 'Heredity versus Environment', p. 336.

⁶¹³ Goring, *The English Convict*, p. 26.

⁶¹⁴ Through another example of his misreading, he said that there were those expressing such 'a constitutional proclivity [...] so potent in some, as to determine for them, eventually, the fate of imprisonment'. Ibid, p. 26.

⁶¹⁵ Ibid., p. 372.

⁶¹⁶ Ibid., p. 373.

The ambiguous notion of being predisposed to criminality, what Goring termed ‘criminal diathesis’, a medicalised notion of potential, has been a major focal point in this thesis. For him, the problem posed by these constitutional qualities was to be *solved* through education, incarceration, or eugenics. And yet, dismissing almost entirely the *causative* role of the environment,⁶¹⁷ Goring did not appear to think that socioeconomic reorganisation was a matter for criminological enquiry.

As Wells, Ellis, Kropotkin, and Carpenter approached the question of crime and criminality, they each circled this site of ambiguity. For them, thinking about crime was part of a wider intellectual activity, and they contemplated this space as it was situated within epistemological and ontological assumptions of human nature, the process of evolution, the meaning of society, the role of politics, and so on. The transmuting figure of the criminal, as they saw it, was formed on the assumptions that it was on the one hand a complex organism of physiological and intellectual drives, and on the other a malleable being that was related to the forces of its environment. Unlike Goring, who saw the criminal almost exclusively as a biological fact that continued to threaten to impress its harmful mark on society, each of this thesis’ protagonists were also particularly concerned with the other side of the coin: how society continued to threaten to impress its harmful mark on individuals. Fundamental social reorganisation could be a means to alleviate the anti-social tendencies residing in bodies and minds. The idea of social reorganisation was different for each, and presented itself in various ways. Wells creatively explored new futures, mapping worlds – each ‘utopian’ to varying degrees – and planned the remaking of mankind. Ellis too would consider what utopia would look like, but mainly focused on the means by which society could secure the health and well-being of its progeny. Never straying from his sociopolitical endeavour of illuminating the dangers of the state, Kropotkin drew upon primitive societies to depict idyllic communities freed from external authority and united by the natural instincts of mutual aid. And Carpenter always looked to the time when humankind escaped the scourge of civilisation, and considered what roads to take on the transition to freedom. At the same time, they each had considerable interest in the human body. Since his early sociobiological journalism, Wells is found to be fascinated by the individual as a product of evolution that would continue to change with time – sometimes presenting the future of the species in

⁶¹⁷ Ibid., p. 371.

distinctly alien forms. Ellis, particularly through his criminological and sexological writing, presented an image of the body as a complicated network of natural drives and forces, the restraint or freedom of which would strongly influence one's mind and behaviour. For Kropotkin it was impossible to see the body as anything other than central to all sociopolitical matters. Society was something living, and the individual organism, a naturally social being, was but one part of a complex body. He believed that artificial changes to society would have considerable effects on one's biological composition, and not only would the state infect the body through the disease it brought to the population, but authority itself would affect one's physiological faculties. And Carpenter's spiritual ontology placed a social destiny at the inception of human existence, and whilst the individual was simultaneously guided by and towards this ideal, exfoliating through ever-fitter forms, such a path was hindered by an imbalance of one's psychological drives.

Wells, Ellis, Kropotkin, and Carpenter each shared with Goring the idea that certain tendencies exhibited by an individual could make criminal behaviour more likely. Wells grappled with the notion that there existed hereditary predispositions – such as that of the craving for alcohol – which encouraged anti-social feelings and activity. Though he opposed Reid's and others' ideas on eugenics as a means to tackle such a problem on the grounds of scientific prematurity, in his projections of utopia he could envisage the practice of such methods. For Wells, the idea of a regulatory, expansive state that ensured the well-being of future generations by benevolently putting its 'mistakes' out of misery and expelling any who showed a lack of control over criminal diatheses was not anathema to him. But in reality, as he assumed that the biological sciences were not yet sound enough to warrant such intervention in that space between the body and the environment, he moved, somewhat resentfully, closer to the latter as the intellectual site from which the complex web of accidents and circumstances of crime could be approached. For Kropotkin, in a similar way to how Carpenter and Ellis saw the subject, crime was a matter of imbalanced drives and a lack of self-restraint. Every individual has had anti-social feelings, he would remark, but their social counterparts would keep them in check. In his understanding of moral evolution Kropotkin, largely following Guyau, would see the mutual aid tendencies develop into a conscious morality, regulating the balance of the drives of egoistic self-assertion and altruistic self-denial. To approach the question of crime, like that of war, one had to examine the corrupting influences of the environment. Finding them to

originate in the state and permeate its institutions of power, such as the court and the prison, Kropotkin saw how the moral faculties of individuals were disrupted, resulting in the criminal activity and depraved practices of the poor and rich alike. Carpenter and Ellis both perceived how 'bad' traits were largely relative constructs, making political criminals and deviants out of those who challenged the normative ideals of law and society. Both saw how a badly organised environment that disturbed the natural, free play of impulses could harm the minds and bodies of individuals. For Carpenter, a repressive society could cause atypical urges to degenerate into the temperaments it criminalised, and that disproportionate drives could develop into mania if the social conditions did not encourage compassion and fraternity. Ellis too believed that all impulses should be free to develop unrestrained in unbounded diversity, and the means of preventing such drives from leading to criminal thought and activity was through healthy self-restraint.

These four figures' outlooks were interdisciplinary, with broader perspectives on society and biology than those only directly related to crime. They approached the criminal from a wide variety of disciplinary standpoints, all of which imagined, challenged, or discussed the shape of society and how it affected the well-being of individuals. To understand their criminological thought, I have examined the ways in which crime appeared in their varied writings, and how it related to their sociopolitical thought: in Carpenter's writing on homosexuality, Kropotkin's writing on the evolution of egoistical and altruistic tendencies, Ellis' sexology, Wells' utopian fiction, and in the case of the latter two, their eugenics. The idea of eugenics as a means to tackle crime was a rather unsettled one as they approached that ambiguous area of anti-social tendencies. Goring did not seem too encumbered by the fact that the criminal diathesis was something that could not be observed, for it was proven by statistics. For Wells and Ellis it was a somewhat contentious subject. As summarised above, Wells believed that eugenics could be a good measure to use against the criminal, but that it was not a science, and until it became one there was a strong moral argument against it. Ellis, too, believed that such eugenic methods showed promise, but he was concerned about the extent of coercion. Ellis hoped for a society that was morally responsible in the matters of procreation, and the idea of state intervention, as I have shown, made his thought rather unsettled and ambiguous. His ideal of a reasonable anarchy could at times be undermined by the extent of state coercion needed to achieve it. The images of a moralised society, where individuals were better behaved and crime was greatly

reduced, were complicated by the proposed paths on which all would travel. Furthermore, if such a space were realised, immoral individuals would be far less tolerated. As in Wells' excursions to utopia, crime and anti-social behaviour could result in rather severe repercussions when society had been moralised, for it would both prove the failure resided within the individual and it would threaten the harmonious life of the collective. The literary socialist utopia often exhibited crime and punishment in such a way. Projections of moralised futures would right the assumed wrongs in the immoral age from which they were projected, sculpted by the discursive domains in which the interlocutor participated. The socialist utopia would often see the overthrow of capitalism and the removal of property result in behaviour being bettered, crime greatly reduced, and even physiological faculties improved. Yet, as in Wells, in the event of the criminal's appearance, strong measures would be adopted for society's safeguarding. Exile, corporal and capital punishment, and eugenics would in these societies be a rational and seemingly proportional means of tackling the criminal. The literary anti-socialist dystopia would criticise and satirise its counterpart on such grounds. State socialism would lead to despotism, and punishment would be severe and unfair. Furthermore, such a sternly regulated order would sometimes be depicted as increasing crime levels by reducing the individual to an automaton, lacking the human moral faculties or strength of will to deter anti-social feelings. Conversely, a socialist society directed along the lines of anarchism would be presented as entirely chaotic, and crime would go largely unpunished. With the breakdown of traditional institutions and relations, individuals would regress to barbaric beings, and immoral hedonism and depravity would ensue.

The idea of a moralised society, as seen in Wells and Ellis, could be steered by a positivism that would ultimately mire the humanitarian hopes of the original projection, and the highly rationalised means of producing change 'for the better' could be rather heinous. In the context of building utopia, both figures could think about crime in rather disagreeable terms. Kropotkin and Carpenter, as they found the criminal, were much less inclined to lower their compassionate approach. Indeed, Kropotkin is the only figure in this thesis to refrain from advocating any form of punishment or coercion in the matter. The criminal is so deep-rooted to conceptions of society that it is difficult to accept, let alone comprehend, any image of society from which such a figure is absent. Bertrand Russell (1872-1970), with his socialist and anarchist sympathies, largely agreed with Kropotkin's idea that crime, as determined

by inequity and poor social structure, would largely disappear in an equal and unrepressed society, and the anarchist's emphasis on education would in all likelihood see criminal tendencies diminish. However, he could not believe that *all* crime would be eradicated, and questioned how Kropotkin's ideal society, without the institutions of government, law, the police, or the military, would defend itself if anti-social figures emerged to threaten it:

To take an extreme case, we cannot suppose that there would be no lunatics in an Anarchist community, and some of these lunatics would, no doubt, be homicidal. Probably no one would argue that they ought to be left at liberty. But there are no sharp lines in nature; from the homicidal lunatic to the sane man of violent passions there is a continuous gradation. Even in the most perfect community there will be men and women, otherwise sane, who will feel an impulse to commit murder from jealousy. These are now usually restrained by the fear of punishment, but if this fear were removed, such murders would probably become much more common [...]. Apart from such cases, there would be the very real danger of an organized attempt to destroy Anarchism and revive ancient oppressions. Is it to be supposed, for example, that Napoleon, if he had been born into such a community as Kropotkin advocates, would have acquiesced tamely in a world where his genius could find no scope? [...] So long as the love of power exists, I do not see how it can be prevented from finding an outlet in oppression except by means of the organized force of the community.⁶¹⁸

Had he answered Russell, Kropotkin would have repeated what he had previously expressed. Returning to a state of existence whereby the mutual aid tendencies in individuals are again allowed to flourish would see the egoistical impulses checked by unconscious and conscious modulation, and vicious tendencies would all but vanish in a distinctly utopian perspective. The figure of Napoleon, familiar in Kropotkin's thought on crime, was the maniacal product of a psychotic civilisation. And yet next to Kropotkin stands Carpenter, the gentle, sandal-wearing pacifist and animal-rights campaigner, who relatively easily found a place for corporal and even capital punishment in his projections of voluntary socialism. Thinking about crime is fraught with inconsistency, as is the very idea of a moralised society. This thesis has contributed to such a complex history, where ideas on crime and criminality are considered amongst individuals' varied sociopolitical ideals, ontological beliefs, and

⁶¹⁸ Bertrand Russell, *Roads To Freedom: Socialism, Anarchism, and Syndicalism* (New York, NY: Henry Holt and Company, 1919), pp. 118-121. First published in 1918.

epistemological assumptions that permeate and unsettle the discursive space between the body and the environment.

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